

2025:PHHC:117943



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-23447-2025 (O&M)
Date of decision : 02.09.2025**

Pamesh Arora

...Petitioner

Versus

U. T., Chandigarh

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vikram Chaudhary, Senior Advocate with
Mr. Sunil Sihag, Advocate
for the petitioner.

Mr. Manish Bansal, Public Prosecutor, Chandigarh with
Mr. Ankur Bali, Addl. P.P., U.T., Chandigarh.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case bearing FIR No. 09 dated 08.02.2024, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 25 of the Arms Act, 1959 at Police Station Sector 34, Chandigarh. The previous petition, bearing number **CRM-M-46751-2024**, was dismissed by this Court on 25.02.2025.

2. The petitioner has been booked for commission of aforementioned offences and is facing trial on the allegations that on 07.02.2024, recovery of 271.65 grams of heroin was effected from his shoulder bag, whereas 20.62 grams of heroin and one country made pistol along with four live cartridges were recovered from the co-accused. The

2025:PHHC:117943



previous petition filed by the petitioner was dismissed by this Court on 25.02.2025 by making the following observations:

“...7. As per the allegations, the petitioner and the co-accused were apprehended by the police party on 07.02.2024 and recovery of 271.65 grams of heroin was effected from the petitioner, whereas 20.62 grams of heroin and a country made pistol along with four live cartridges were recovered from the co-accused. The petitioner is shown to be involved in one more case under the NDPS Act, which *prima facie* shows that he is a habitual offender. The allegations against him are that he is regularly involved in the sale and purchase of narcotic substances, which are quite serious in nature. Even otherwise, the quantity of the recovered contraband falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him as nothing has been placed on record before this Court so as to believe that he did not commit the subject offence or in case, he is released on bail, he would not commit any such or similar offence. Although, learned counsel for the petitioner has placed on record copy of sworn deposition of SI/IO Jasbir Singh to submit that there were several lacunas in the investigation with regard to compliance of procedure as prescribed under Sections 42 and 50 of the NDPS Act and has also argued that even the contents of the FIR would show that the provisions of these sections were not properly complied with, however, these questions cannot be decided by this Court at this stage as this Court is not supposed to conduct a mini trial while deciding a petition seeking grant of regular bail. These questions have to be decided by the learned trial Court after appreciating the

2025:PHHC:117943



entire evidence and material produced on record before it. Since the petitioner has criminal antecedents, the apprehension of learned Public Prosecutor, Chandigarh that if extended benefit of bail, the petitioner may abscond or indulge in similar offences cannot be stated to be unfounded. Trial is going on and there is nothing on record to suggest that there would be any undue delay in conclusion of trial. Hence, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of the contraband recovered in this case, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.”

3. It is submitted by learned senior counsel that against the order dated 25.02.2025, the petitioner had filed a Special Leave Petition before the Hon’ble Supreme Court but the same was withdrawn at the initial stage. The grounds taken in this petition are that the petitioner is a qualified Ayurvedic Pharmacist holding Diploma in Ayurvedic Pharmacy. His mother is suffering from several diseases. He has been granted bail in another case registered against him under the NDPS Act. The remand application as well as the order for remanding him to custody would show that neither the investigating agency had shown compliance of the provisions of Article 22(1) and (2) of the Constitution of India read with Section 52 of Cr.P.C. by not furnishing and/or supplying the grounds of arrest in writing to the petitioner nor the jurisdictional Court insisted on such compliance. The said Court also did not apply its mind to the law and proximate material. That

2025:PHHC:117943



apart, the petitioner is in custody since 07.02.2024. Charges have been framed against him. Conclusion of trial would take considerable time. His further incarceration would not serve any useful purpose. It is, therefore, urged that the petition deserves to be allowed and he deserves to be released on bail.

4. Reply has been filed by the respondent-U.T., Chandigarh. It is argued by learned Public Prosecutor, Chandigarh that there is no substantial change in the circumstances after rejection of first bail petition of the petitioner. The present one is the successive bail petition. The grounds which are sought to be claimed as new ones were already available to the petitioner at the time of moving his previous petition. There are serious allegations against the petitioner. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of the same. More so, mere long incarceration in such like cases cannot be considered a reason for grant of bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. The previous petition filed by the petitioner for grant of regular bail had been dismissed vide order dated 25.02.2025. The instant one has been filed within a period of three months of the said order. It is well settled proposition of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused thereby making him entitled for grant of bail. Reference in this regard can be made to *State of*

2025:PHHC:117943



Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change during the period between two applications. Reference can also be made to ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another (2004) 7 SCC 528***, wherein it was observed by Hon'ble Supreme Court that where the offence alleged against an accused is grave, bail cannot be granted only on the ground of long incarceration. Second or subsequent bail application can be filed if there is a change in the fact situation or in law which requires the earlier view being interfered with or where the earlier finding has become obsolete. This is the limited area in which an accused who has been denied bail earlier, can move a subsequent application. Second or subsequent anticipatory bail application shall not be entertained on the ground of new circumstances, further developments, different considerations, some more details, new documents or illness of the accused.

7. After hearing the contentions as raised by learned counsel for the petitioner, I am of the considered opinion that no substantial or drastic change from the date of dismissal of the previous petition as moved by the petitioner has been pointed out or made out from the pleas taken by the petitioner. Merely the extended/prolonged period of incarceration or examination of some material witnesses is not a ground to extend any such benefit. The plea taken by the petitioner qua non-furnishing of grounds of arrest was very much available to him at the time of filing his previous

2025:PHHC:117943



petition and as such, no new circumstance or further development can be stated to have taken place. There are serious and specific allegations against the petitioner. The trial is also going on at a good pace and there is nothing to show that there would be any undue delay in conclusion of the same. Keeping in view the nature and gravity of the offence, in my considered opinion, it is not a fit case to enlarge the petitioner on bail, especially in view of the fact that no drastic or material change in the circumstances has been made out. In view of the discussion as made above, but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

02.09.2025

Wassem Ansari(MANISHA BATRA)
JUDGE*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*