

2025:PHHC:070840



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

**CRM-M No.16223 of 2025
Date of Decision: 26.05.2025
Reserved on: 20.05.2025**

Gulam Mustafa Daar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sahil Choudhary, Advocate,
for the petitioner.

Mrs. Sheenu Sura, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of regular bail in case arising out of FIR No.123 dated 06.02.2024 registered under Sections 3, 25(1-AA) and 29-A of Arms Act, 1959 and Section 180 of IPC at Police Station Yamuna Nagar City, District Yamuna Nagar. His previous petition had been dismissed vide order dated 29.07.2024 as passed by this Court.

2. The petitioner and co-accused Sahil Alvi were apprehended on 06.02.2024 on the basis of a secret information and recovery of one pistol and magazine was effected from the petitioner whereas several rods, live cartridges and pistols were recovered from the car in which he was found present along with the co-accused. During the course of

2025:PHHC:070840



investigation, co-accused Farman was nominated as such and was arrested. Presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences. The previous petition as filed by him was dismissed vide order dated 29.07.2024 as mentioned above. The operative part of this order reads as under:-

“As per allegations, the petitioner along with co-accused Sahil was apprehended by the police party on 06.02.2024 and several illegal weapons and live cartridges were recovered from them. On their disclosure statement, co-accused Farman was also nominated in this case as accused. Investigation has since been completed and challan has been presented. There is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner may abscond, if extended benefit of bail, cannot be stated to be unfounded. Keeping in view the nature of allegations as levelled against the petitioner, the recovery of weapons recovered from him, the quantum of sentence which the conviction may entail as well as the attendant facts and circumstances of the case, this Court is of the considered view that the petitioner does not deserve to be given concession of regular bail, at this stage. Hence, the petition stands dismissed.”

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. No useful purpose would be served by keeping him in custody any more. The trial would take considerable time to conclude. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State along with custody certificate. Learned Deputy Advocate General, Haryana has argued that the previous petition of the petitioner was dismissed by making a

2025:PHHC:070840



detailed discussion. There is no change in the circumstances. The allegations against the petitioner are serious in nature. He is a habitual offender and there are chances of his committing similar offences if released. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The previous petition as filed by the petitioner for grant of regular bail had been dismissed on 29.07.2024. 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 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.

7. After hearing the contentions as raised by learned counsel for the parties, this Court is of the considered opinion that no substantial or

2025:PHHC:070840



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. The petitioner along with the co-accused Sahil Alvi was apprehended on 06.02.2024. Recovery of illicit weapon has been effected from them. The petitioner is involved in four more cases including a murder case and one of which is of similar nature. His antecedents are not clean. His previous petition was dismissed after taking into consideration all the facts and circumstances. 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 gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered opinion that 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. Accordingly, the petition 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.

(MANISHA BATRA)
JUDGE

26.05.2025
manju

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No