



CRM-M-45195-2025

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**(256) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-45195-2025

Date of decision : 29.11.2025

KARAN SHARMA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Simranjit Singh, Advocate for the petitioner

Mr. Roshandeep Singh, AAG, Punjab

MANISHA BATRA, J.

1. Present 3rd petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case arising out of FIR No.78, dated 05.09.2023 registered at Police Station Chhajali, District Sangrur, under Sections 25(7)(i) of Arms Act, 1959 (for short Act, 1959) on the allegations that he alongwith the co-accused was engaged in the business of trade of illicit weapons and supplying the same to gangsters. He alongwith the co-accused was apprehended on 05.09.2023 and 21 pistols of different colours and sizes alongwith magazines were recovered from a bag carried by co-accused which were taken into custody. The petitioner was formally arrested. Investigation now stands concluded.

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2. It is argued by learned counsel for the petitioner that he is in custody for a period of over two years and two months. The trial has been substantially delayed and the liability therefore cannot be fastened upon the petitioner. As such prayer has been made for releasing the petitioner on bail.

4. Learned State Counsel has opposed the prayer made by the petitioner by submitting that there are serious allegations levelled against him. His previous two petitions had been dismissed and there is no new and substantive change in the circumstances ever since the dismissal of the same. Accordingly, it is urged that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel the parties and has gone through the record material placed on record.

6. The petitioner was arrested on 05.09.2023. Fourteen prosecution witnesses have been cited in the challan. Till date, none out of them has been examined. The previous petition as filed by the petitioner had been dismissed on 14.02.2025. Keeping in view further incarceration of the petitioner for a period of more than nine months and finding that there is no substantial progress in the trial so far, this Court is inclined to consider the prayer made by the petitioner irrespective of the fact that the two previous petitions as filed by him have been dismissed. The well settled proposition of law as laid down by Hon'ble Supreme Court in a catena of judgments, is that the right of a speedy and expeditious trial is not only a vital safeguard to prevent undue and

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oppressive incarceration, to mitigate anxiety and concern accompanying the accusation as well as to curtail any impairment in the ability of an accused to defend himself, but there is also a societal interest paving way for a speedy trial. Prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution. Where the trial has failed to conclude within a reasonable time, resulting in prolonged incarceration, the right of an accused to liberty should be considered.

7. It is equally well settled that every day spent in custody provides a new cause of action for filing a bail application under peculiar circumstances. Prolonged detention itself a ground for re-consideration of bail since the settled principle of law is that detention prior to trial should not become punitive.

8. Obviously in this case, the petitioner is not required for further investigation. In view of the discussion as made above, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of learned trial Court/Duty Magistrate/CJM concerned and further subject to the following conditions :-

- (I) The petitioner shall not misuse the liberty granted;
- (II) The petitioner shall not tamper with any evidence, oral or documentary during the trial;
- (III) The petitioner shall not absent himself on any date before the trial Court except with the prior permission of the Court;

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(IV) The petitioner shall give details of his cellphone number and aadhar card as well as permanent address to the Investigating Officer/SHO of the Police Station concerned and in case of any change shall apprise the trial Court before he will not try to delay the trial in any manner, whatsoever;

9. In case breach of any of the aforementioned the State shall be at liberty to move for cancellation of bail of the petitioner.

10. Nothing discussed above shall be construed as an expression of opinion on the merits of the case.

(MANISHA BATRA)
JUDGE

29.11.2025
Amit Sharma

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No