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

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**CRM-M No.63032 of 2024  
Date of Decision: 14.02.2025**

Karan Sharma

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Saqib Ali Khan, Advocate,  
for the petitioner.

Ms. Himani Arora, AAG, Punjab,  
for the respondent-State.

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**MANISHA BATRA, J. (Oral)**

1. The instant one is the second petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of regular bail as filed by the petitioner in case arising out of FIR No.78 dated 05.09.2023 registered under Section 25 (7) (i) of Arms Act, 1959 at Police Station Chhajali, District Sangrur. The previous petition filed by him bearing CRM-M No.33684 of 2024 had been dismissed by this Court vide order dated 22.07.2024.

2. The petitioner has been booked for and is facing trial for commission of the aforementioned offence on the allegations that on 05.09.2023, he along with the co-accused Baljinder Singh had been apprehended by the police on the basis of a secret information and 21

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illicit pistols with magazines were recovered from them. The relevant extract of the order dated 22.07.2024 passed in the previous petition is reproduced as under:-

*“6. The petitioner is alleged to be a member of an organized crime syndicate and is further alleged to have procured illegal weapon from Madhya Pradesh and as per the allegations, he along with the co-accused was apprehended while they were standing together and recovery of illegal arms and ammunition was effected from them. It cannot be stated at this stage that the petitioner had no connection with the alleged recovery. The allegations against the petitioner are serious in nature. There is nothing on record to suggest that there would be any undue delay in conclusion of the trial. The material witnesses are yet to be examined. Keeping in view the nature of the subject offence, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, but without meaning to make any comment on the merits thereof, I am of considered opinion that the petition does not deserve to be allowed at this stage. Hence, the petition is dismissed.”*

3. It is argued by learned counsel for the petitioner that he is in custody since 13.09.2023. Since the date of dismissal of his previous petition, there is change in the circumstances since the co-accused Hemant Malhotra has been extended benefit of regular bail. He is in custody for a period of 1 year 5 months and 2 days and extended period of incarceration is also a ground of extending benefit of bail to him. His further detention is not

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going to serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

4. Status report has already been filed by the respondent-State. It is argued by learned Assistant Advocate General, Punjab that there are serious allegations against the petitioner who along with the co-accused was apprehended with a huge quantity of illicit pistols. His case cannot be stated at parity with the case of the co-accused Hemant Malhotra since no recovery has been effected from him. There is no substantive or specious change in the circumstances warranting grant of bail to the petitioner. There are chances of his absconding if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

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

6. The previous petition as filed by the petitioner for grant of regular bail had been dismissed vide order dated 22.07.2024 by taking into consideration all the material points. The instant one has been filed within a period of six 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 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

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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 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 is not a ground to extend any such benefit. The petitioner is alleged to be a member of organized crime syndicate and as per the allegations being so, he obtained/procured arms and ammunitions for the purpose of distributing the same to other gangsters. Recovery of illicit weapons has been effected from his conscious possession. The allegations against him are serious in nature. 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. His case is not at parity with the case of co-accused Hemant Malhotra who has been extended benefit of bail. 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

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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.

14.02.2025  
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(MANISHA BATRA)  
JUDGE

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