

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:011892



222

CRM-M-65436-2025 (O&M)

Date of decision:28.01.2026

Sahil Kumar @ Shanga

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. M.S. Basra, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. In this third successive petition as filed by the petitioner, he is making a prayer for grant of regular bail in case arising out of FIR No.01, dated 01.01.2024, registered under Sections 25(5) of the Arms Act, at Police Station Gate Hakima, District Amritsar.

2. As per the allegations, on 01.01.2024, a secret information was received to the effect that the present petitioner had formed a gang with his other accomplices and was indulged in sale of illicit arms and ammunition and at that point of time, he was in possession of the arms and ammunition in huge quantity and could be apprehended and was roaming with the same in the area of Roopnagar Colony. Believing the secret information to be true, a raiding party was formed, which reached at the informed place and apprehended the petitioner. Two country made pistols

alongwith two live cartridges of .32 bore were recovered from his conscious possession. He failed to produce any permit or license for possessing the same. Recovered pistols and ammunition was taken into custody and he was formally arrested. On interrogation, he suffered disclosure statement and on the basis of which, co-accused Ajay Singh @ Bhedi was nominated as an additional accused. Investigation now stands concluded. His previous two petitions seeking regular bail have been dismissed as withdrawn by this Court.

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. He is not required for further investigation. The trial will take considerable time to conclude. His involvement in other cases cannot be considered to be a ground for denying benefit of bail to him. However, since the dismissal of his previous petitions, more than 05 months have passed but the trial has not progressed much as only 01 out of 15 prosecution witnesses has been examined so far. It is, therefore, urged that the petitioner deserves to be extended the benefit of bail.

4. Per contra, learned State counsel while placing on record the status report and custody certificate has argued that allegations against the petitioner are serious in nature. Recovery of illicit ammunition and arms has been effected from him. He is a habitual offender being involved in several other cases. There are chances of his committing similar offences or absconding, if extended benefit of bail. Even otherwise, this being the successive bail petition, is not even maintainable. Hence, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. So far as the maintainability of the petition is concerned, it may be mentioned that an accused has a right to make successive applications for grant of bail, and it is the duty of the Court, while entertaining such a subsequent bail application, to consider the reasons and grounds on which the earlier bail petition was rejected. The fresh grounds which persuade the Court to take a view different from the one taken in the earlier application are also required to be recorded. Reference in this regard can be made to ***Prasad Shrikant Purohit v. State of Maharashtra (2018) 11 SCC 458***, wherein it was so observed. However, the petitioner is in custody since 01.01.2024 i.e. for a period of more than 02 years. There are no chances of conclusion of the trial in near future as only 01 out of 15 prosecution witnesses has been examined so far. No doubt as per custody certificate, he is involved in several other cases, however, he cannot be denied benefit of bail due to that reason. The allegations make out a *prima facie* case for commission of subject offence against him. Taking into consideration the period spent by the petitioner in custody, the fact that the trial will not conclude in near future, coupled with the well settled proposition of law that pre-trial incarceration should not be a replica to the post conviction sentencing and bail is the rule and jail is an exception, this Court is of the considered opinion that a case is made out for grant of bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial

Magistrate concerned.

7. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

28.01.2026

harjeet

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

(MANISHA BATRA)
JUDGE