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2025:PHHC:121998



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

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Date of decision: September 08, 2025

Sahil Pannu @ Sahil

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. S.K. Jain, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

SUMEET GOEL, J. (ORAL)

Present second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.134 dated 19.06.2025, under Sections 25, 54, 59 of the Arms Act, 1959, registered at Police Station Balongi, District SAS Nagar, Punjab.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:

“Copy of Ruga: SHO, Police Station Balongi, Jai Hind Today, I, ASI along with ASI Karanvir Singh No. 2278/SAS, HC Harpreet Singh No.1178/SAS, HC Jaswant Singh No.2304/SAS in private vehicles was present at Airport Road near TDI City in connection with patrolling and checking of suspected persons. The time must have been around 9.45 PM when I, ASI was informed by the special informant that Sahil Pannu son of Bahru Ram, resident of Urban Estate, Jind, Haryana, who is living on rent in Flat No. E306 in Gilco Park Hills on Airport Road, has illegal arms/ammunition in his possession. If by apprehending him, his flat is raided now, then illegal arms/ammunition can be recovered from him. The information is true and solid. Therefore, Sahil Pannu has committed the

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crime under Sections 25-54-59 of the Arms Act by keeping illegal arms/ammunition in his possession. Ruqa is written under above mentioned section against Sahil Pannu and is being sent through HC Jaswant Singh No.2304/SAS to police station. A case may be registered and FIR Number be informed. The control room be informed. I, ASI along with officials, am leaving for Flat Number E306 Gilco Park Hills for raid. In the area of Airport Road near TDI City, Time 10.15 PM, Jatinder Singh ASI CIA Staff, District SAS Nagar, Dated 19.06.2025. On receipt of the above ruqa, a case has been registered against the above mentioned person under the above mentioned sections. The Incharge Control Room, District SAS Nagar has been informed through telephone. The procedure of the process has been completed. The copies of the FIRs are being sent to Illaga Magistrate and higher officers. The copies of the FIR and the original ruqa are being sent to the ASI Jatinder Singh No. 1265/SAS at the spot through bearer HC. The MHC police station has been instructed to complete the record.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 19.06.2025. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that recovery of the alleged cartridges is from a flat, which is neither in the ownership nor under tenancy of the petitioner. Learned counsel has further argued that mandatory provisions of BNSS have not scrupulously been complied with, and thus, alleged recovery of cartridges cannot be foisted upon the petitioner. Learned counsel has urged that the petitioner is a man aged 33 years with no criminal antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 06.09.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

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6. The petitioner was arrested on 19.06.2025, whereinafter, investigation was carried out and challan was presented on 18.08.2025. Total 11 prosecution witnesses have been cited, but none has been examined till date. It is thus, indubitable that conclusion of the trial will take its own time. The rival contention raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. Indubitably, the present petition is the second attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as withdrawn on 07.08.2025. However, keeping in view further incarceration of the petitioner for a period of more than 01 month and no progress in trial, this Court is inclined to favourably consider the instant plea for bail. A profitable reference, in this regard, can be made to a judgment of this Court passed in *CRA-S-2332-2023* titled as *Rafiq Khan versus State of Haryana and another*, relevant whereof reads as under:

“10. As an epilogue to the above discussion, the following principles emerge:

I Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The

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metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

6.2. As per custody certificate dated 06.09.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 02 months and 14 days, & is not shown to be involved in any other FIR(s).

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use 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.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.

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- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

September 08, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No