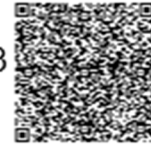


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-44078-2025 (O&M)

Date of decision: 19.09.2025

Phillips Nayyar**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Jasraj Singh, Advocate
for the petitioner.

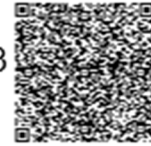
Mr. Vivek Sharma, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case bearing FIR No. 88 dated 01.09.2021, registered under Sections 307, 323, 324, 148 and 149 of IPC (Sections 302, 120-B of IPC and Section 25 of the Arms Act, 1959 added later on) at Police Station Garhdiwal, District Hoshiarpur. The first petition, bearing number ***CRM-M-34124-2024***, was dismissed by this Court, vide order dated 23.10.2024.

2. The petitioner has been booked in the aforementioned FIR on the allegations that he along with co-accused had hatched a conspiracy and had opened a murderous assault upon victim Gurdeep Singh on 31.08.2023, which resulted into death of the victim on 01.09.2021. The petitioner is in custody and facing trial.

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3. In addition to the ground taken by learned counsel for the petitioner in his previous petition, it is submitted that the period of incarceration of the petitioner has extended further by 11 months since the date of dismissal of his previous petition. Material witness Ramandeep Singh has been completely examined. There are no chances of the petitioner's intimidating this witness. As many as 10 witnesses are yet to be examined. He is in custody since 10.09.2021 i.e. for a period of more than 04 years. There are no chances of conclusion of trial in near future. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. Learned State counsel, on the other hand, has argued that there is no new or substantive change in the circumstances keeping in view the gravity of the offences allegedly committed by the petitioner. The material witness Ramandeep Singh has supported the prosecution version and has duly identified the petitioner. The trial is going on at a proper pace. Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has heard the submissions made by both the sides.

6. The petitioner is in custody since 10.09.2021. As argued by learned counsel for the petitioner, 10 prosecution witnesses are yet to be examined. This fact has not been disputed by learned State counsel. The petitioner is in custody for the last more than 04 years. Obviously, the trial is delayed and there is no likelihood of the same to conclude in near future. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of

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the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody any more. In view of the discussion as made above, this Court is of the considered opinion that the petitioner has made out a case for his release on bail. Accordingly, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

7. 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.

19.09.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No