

2026.PHHC:035242



CRM-M-67499-2025

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

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CRM-M-67499-2025 (O & M)

Date of decision: 09.03.2026

PHILPUS SIDHU ALIAS PHILI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Karandeep Singh Sidhu, Advocate,
for the petitioner.

Ms. Gagandeep Kaur, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 of BNS, 2023 is for grant of regular bail to the petitioner in case FIR No.96 dated 21.07.2021, registered at Police Station Sadar Patti, District Tarn Taran, under Sections 307, 332, 333, 353, 186 and 34 IPC, Sections 25 and 27 of the Arms Act, Sections 21 and 29 NDPS Act (later on added Section 201 IPC).

2. Learned counsel contends that the petitioner has been in custody for 3 years and about 11 months. He alleges false implication. Injury attributed to the petitioner was simple in nature, as per the opinion of the doctor, Annexure P-4. The alleged recovery of 960 grams of heroin was effected from beneath the driver seat of the car in which he was

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travelling, thus, it is debatable whether he can be said to have been in conscious possession thereof, he being a co-passenger. Charges have been framed on 13.04.2023, however, 15 PWs, including material witnesses stand examined and there are still 18 more to go. He is not involved in any other case.

3. The custody certificate dated 03.08.2026, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 3 years, 10 months and 22 days.

4. Learned State counsel opposes the bail on the ground that commercial quantity of contraband was recovered from the vehicle owned by the co-accused in which the petitioner was a passenger and he is also stated to have fired upon the police party. However, she is unable to controvert the submissions with regard to stage of the case and the petitioner being not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 3 years, 10 months and 22 days; not involved in any other case; charges stand framed on 13.04.2023, but out of 33 PWs, only 15 have been examined; the trial is likely to take a considerable time and further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

7. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial

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Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and

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would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

09.03.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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