



CNR No: PHHC011480792026

2026:PHHC:127382



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CRM-M No.49630 of 2026

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

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**CRM-M No.49630 of 2026
Date of decision : 9.9.2026
Date of uploading : 9.9.2026**

Biliyam @ William Lomga @ Manish.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sumit Dua, Advocate, for the petitioner

Mr. Anup Singh, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present 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.41 dated 22.6.2024 under Sections 302 and 34 of the IPC, registered at Police Station Dhilwan, District Kapurthala.
2. The FIR in question pertains to murder of one Chandra Kirkat.
3. Learned counsel for the petitioner has argued that the petitioner is in custody since 22.6.2024. Learned counsel has further urged that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further urged that the case in hand is not one of eye-witness account. Learned counsel has further iterated that the prosecution case is primarily based on disclosure statement of accused and subsequent



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recovery, which is not tenable in law. Learned counsel has further urged that the petitioner is a man with clean antecedents. Learned counsel has further urged that the petitioner has already suffered incarceration for a period of more than 2 years. 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 regular bail. Learned State counsel seeks to place on record custody certificate dated 8.9.2026 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.

6. The petitioner was arrested on 22.6.2024 wherein after investigation was carried out; challan was presented on 21.9.2024. Total 26 prosecution witnesses have been cited and it is conceded case before this Court that none have been examined till date. It is thus indubitable that culmination of trial will take its own time.

Keeping in view the entirety of the factual *milieu* of the case; especially the case in hand not being one of eye-witness account, the prosecution case primarily resting on disclosure and recovery made thereafter, the glacial pace of trial which reflects that though the petitioner has suffered incarceration for more than 2 years but not a single witness has been examined till date; this Court is inclined to afford the concession of regular bail to the petitioner.

6.1 As per custody certificate dated 8.9.2026 filed by learned State



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counsel, the petitioner has already suffered incarceration for a period of 2 years, 2 months and 14 days & is not shown to be involved in any other case.

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.
- (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/Illaq 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



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State/complainant shall be at liberty to move for 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

9.9.2026

Ashwani

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No