



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

230

CRM-M-25961-2025
Decided on : 26.11.2025

Ravi Kumar

... Petitioner(s)

Versus

State of U.T. Chandigarh

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Manoj Singh Gujral, Advocate
for the petitioner(s).

Mr. Arav Gupta, Addl. PP, UT Chandigarh
assisted by ASI Pawan Kumar, P.S. Sector 31, Chd.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Ravi Kumar	88	09.05.2024	147, 148, 149, 341, 323, 506, 307, 302, 34 of IPC	Sector 31	Chandigarh

2. As per the facts of the case, FIR was registered at the instance of complainant – Nitin Kumar, father of the deceased boy, i.e., Rohit @ Vikas. The relevant extract of the FIR reads as under:-

“ Statement of NITIN KUMAR S/O PURAN CHAND R/O 2163 PHASE 2 RAMDARBAR CHD AGE 42 YEARS Declared that I live with my family at the above address and do wood work. Last night around 7.30PM, I went to Zirakpur with my son ROHIT and around 7.15PM-7.30PM, I returned home



after finishing work with my son and my son ROHIT @ VIKAS went to Ravidas Mandir Ramdarbar to worship from home and after a while a friend of my son called me and told me that Aryan, Ravi, Rihan, aunts boy Aryan, Rowdy, Arjun, Chintu, Armaan, Yash@ Golu, Sunny etc. living in Ramdarbar had attacked my son with sticks, chapar etc. He was brought to GMCH -32 where he is currently undergoing treatment, I immediately reached GMCH 32 and took care of my son. By that time, my son was talking. When I asked him about the killers, he told me the names of Aryan, Rowdy, Chintu, Aunts (massi)boy Aryan, ARMAN RIHAN, ARJUN, YASH @ GOLU, RAVI, SUNNY. My son was assaulted, action should be taken against them, the statement was written, heard, which is fine. S/d Nitin Kumar Mobile -9888117503.”

3. Learned counsel for the petitioner submits that although reliance has been placed by the prosecution upon CCTV footage, the presence of the petitioner cannot be established from the said footage. It is also submitted that the star eyewitness – Varun (aged 20 years) has already been examined before the trial Court, but he did not identify the petitioner in his examination-in-chief and only named three persons, namely, Yash @ Golu, Ankit Bassi and Arjun.

4. It is further contended that the complainant is not an eyewitness to the incident and has only been projected as a witness to the alleged oral dying declaration. Attention has been drawn to the medical opinion dated 08.05.2024 at 10:46 PM, wherein the deceased was declared ‘**unfit for statement**’, and the same position continued beyond midnight on 09.05.2024. In the status report, the prosecution claims that the complainant’s statement was recorded at about 12:05 AM, but there is no



explanation as to how the deceased, who was medically unfit for any statement, could narrate the incident and name the alleged assailants. Thus, the veracity of the alleged dying declaration is yet to be adjudicated by the trial Court after appreciating full evidence which shall be led before it.

5. Learned counsel further submits that the petitioner's name appears only as an improvement in the statement of the complainant, and no specific role or motive has been attributed to him. With both the complainant – Nitin Kumar and the key eyewitness – Varun having already been examined, there remains no possibility of tampering with prosecution evidence. It is pointed out that petitioner is inside jail since 09.05.2024 and out of total 31 prosecution witnesses, only 06 have been examined and 01 has been given up. Culmination of trial is thus likely to take considerable time, therefore, personal liberty of the petitioner cannot be curtailed for an indefinite period. Thus, prays for grant of concession of regular bail.

6. On the other hand, learned Addl. Public Prosecutor for UT Chandigarh has filed the custody certificate dated 25.11.2025, which is taken on record, subject to all just exceptions. A copy has been handed over to learned counsel for the petitioner.

7. Learned Addl. Public Prosecutor, while opposing the prayer for bail, relies upon the petitioner's nomination by the complainant. However, he does not dispute the fact that eyewitness – Varun failed to identify the petitioner in his examination-in-chief. He also does not dispute that only 06 out of 31 prosecution witnesses have been examined so far, despite the petitioner's continued incarceration.

8. Having heard the learned counsel for the parties and upon



perusal of the record, it is evident that the CCTV footage does not specifically depict the petitioner's presence at the scene of occurrence; the material eyewitness – Varun, who has already been examined before the trial Court, has refused to identify the petitioner in his examination-in-chief; the complainant, though relying upon an alleged oral dying declaration, is admittedly not an eyewitness and the medical opinion reflects that the deceased was “**unfit for statement**” at the relevant time, rendering the prosecution version a matter to be tested during trial. Moreover, petitioner is a young person aged about 25 years and is not involved in any other similar offence, and has already undergone substantial custody since 09.05.2024. Further, trial is progressing at a slow pace, as only 06 out of 31 prosecution witnesses have been examined so far with 01 given up, leaving no demonstrable apprehension of witness-tampering or evidence-interference. Therefore, keeping in view the totality of these circumstances, this Court does not find any justification to continue the petitioner's detention for an indefinite period during trial.

Accordingly, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. Any of the discussion done and recorded here above, shall not



be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

11. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

November 26, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*