



CRM-M-5239-2026

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215 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5239-2026

Date of Decision: 20.04.2026

RAKESH KUMAR ALIAS MODU

... PETITIONER

VERSUS

STATE OF UT CHANDIGARH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amit Kumar, Advocate for the petitioner.

Mr. Manish Bansal, P.P., U.T, Chandigarh.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS is for the grant of regular bail in case bearing FIR No.41 dated 14.03.2025 registered under Sections 109, 3(5) of BNS and added Section 103 of BNS at Police Station Sector-11 (West), Chandigarh.

2. The learned counsel for the petitioner contends that the PW-1/Sourav (complainant), an injured and PW-2/Ravi, the brother of the deceased, have been examined as prosecution witnesses and have not supported the prosecution case. As the petitioner is in custody since 15.04.2025 but only 02 of the 28 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

3. The learned counsel for the State - U.T, Chandigarh, on the other hand, contends that the petitioner has been duly named in the FIR and has been attributed a specific injury. He however, concedes that 02 material

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witnesses have been examined as PW-1 and PW-2 and have not supported the prosecution case as also the fact that the petitioner is in custody since 15.04.2025 but only 02 of the 28 prosecution witnesses have been examined so far.

4. I have heard the learned counsel for the parties.

5. Admittedly, 02 material witnesses have been examined and have turned hostile. Whether the remaining evidence is sufficient to establish the culpability of the petitioner shall be adjudicated upon during the course of the trial. The petitioner is stated to be in custody since 15.04.2025 but only 02 of the 28 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

6. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner Rakesh Kumar @ Modu S/o Balraj Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

20.04.2026

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