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IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

29TH DECEMBER, 2025

FIRST BAIL APPLICATION NO. 1636 of 2025

Shivam alias Judi

....Applicant

Versus

State of Uttarakhand

....Respondent

Counsel for the Applicant : Mr. Vikas Anand, Advocate.

Counsel for the Respondent : Mr. Pradeep Lohani, Brief Holder.

Counsel for the Informant : Ms. Unnati Pant, Advocate.

Hon'ble Alok Kumar Verma, J.

Applicant - Shivam alias Judi is in judicial custody for the offence punishable under Section 103(1) read with Section 3(5), Section 61(2) and Section 238 of the Bharatiya Nyaya Sanhita, 2023 in Case Crime No.575 of 2024, registered at Police Station Rudrapur, District Udham Singh Nagar.

2. According to the respondent – State, Sumit, aged about 24 years, the husband of the informant Smt. Renu, was missing since 14.11.2024. A report was registered on 21.11.2024 under Section 140(3) of the Bharatiya Nyaya Sanhita, 2023 against unknown person. On the same day, i.e. 21.11.2024, an application was given by one Raju, the father of Sumit, to the police alleging that Sumit's wife has an illicit relationship with Ganesh (co-accused). On 21.11.2024, the police arrested three co-accused Ganesh, Vansh and Deepak Kohli on a secret information. They confessed before the police that they committed murder of Sumit along with



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Shivam alias Judi (applicant), Govinda and Renu. On 22.11.2024, the police recovered the dead body of Sumit from a pit based on the information provided by Ganesh Chandra, Vansh and Deepak Kohli, co-accused. The inquest proceedings and the post-mortem examination of the dead body were conducted on 22.11.2024. According to the post-mortem report, the cause of death was asphyxia due to anti-mortem strangulation. The viscera was preserved.

3. The applicant - Shivam alias Judi was arrested on 23.11.2024. He told the police that Ganesh Chandra, the co-accused, and Sumit's wife were in love relationship. Sumit had knowledge of this fact. Therefore, he used to beat her. He further told the police that Sumit was called in the night of 14.11.2024. He was given liquor. He got drunk, then Ganesh Chandra hit him on his head with a beer bottle. Govinda (co-accused) and Deepak strangled him and he (applicant) held his leg. Sumit was murdered. His dead body was thrown into a river. He along with Ganesh Chandra, Vansh, Govinda and Deepak had taken the dead body out of the river in the night of 16.11.2024 and buried the dead body in a pit. He further told the police that two shovels were used to bury the dead body. He had hidden a shovel in the bushes and Govinda (co-accused) took one shovel with him. The police recovered a shovel at the behest of the applicant.

4. Heard Mr. Vikas Anand, learned counsel for the applicant, Mr. Pradeep Lohani, learned Brief Holder for the respondent and Ms. Unnati Pant, learned counsel for the



informant- father.

5. Mr. Vikas Anand, Advocate, has contended that the applicant has been falsely implicated by the co-accused Ganesh, Vansh and Deepak Kohli. Applicant was not involved in the said offences. He has been implicated in the alleged offence on the basis of his confessional statement and the confessional statements of the co-accused persons. The confessional statements before the police are not admissible in evidence as per the provisions of Section 23(1) of the Bharatiya Sakshya Adhiniyam, 2023. The alleged shovel was not recovered at the behest of the applicant. The alleged recovery was planted. There was no independent witness at the time of the alleged recovery of shovel from the possession of the applicant. This fact also makes the story of the police doubtful. The alleged recovered shovel was not sent to the Forensic Science Laboratory for examination. The applicant has no criminal antecedents. He is in judicial custody since 22.11.2024. He is a permanent resident of District Bareilly (Uttar Pradesh), therefore, there is no possibility of his absconding, and, charge-sheet has already been filed, therefore, there is no chance of tampering with the evidence.

6. Learned counsel for the State and learned counsel for the informant has opposed the bail application. They have opposed the bail application mainly on the ground that the applicant has confessed his crime before the police and a shovel was recovered at his instance.



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7. Bail is the rule and committal to jail is an exception. Refusal of bail is a restriction on the personal liberty of the individual, guaranteed under Article 21 of the Constitution of India. The object of keeping the accused in detention during the trial is not punishment. The main purpose is manifestly to secure the attendance of the accused.

8. Having considered the submissions of learned counsel for both the parties and in the facts and circumstances of the case, no reason is found to keep the applicant behind the bars for an indefinite period, therefore, without expressing any opinion as to the merits of the case, this Court is of the view that the applicant deserves bail at this stage.

9. The Bail Application is allowed.

10. Let the applicant- Shivam alias Judi be released on bail on his executing a personal bond and furnishing two reliable sureties, each in the like amount, to the satisfaction of the court concerned.

ALOK KUMAR VERMA, J.

Dt: 29.12.2025
Pant/