



CRM-M-14191-2025 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-14191-2025
Decided on : 04.11.2025

SHIVAM KASHYAP ALIAS SHIVAM KAYSHAP

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kanwar Abhay Singh, Advocate, and
Mr. Govind Rana, Advocate,
for the petitioner.

Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J.

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 hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Shivam Kashyap alias Shivam Kayshap, aged about 20 years	254	14.08.2024	103(1) of BNS	Bhondsi	Gurugram

2. Learned counsel for the petitioner contends that complainant Geeta Devi, mother of the deceased Kusuma @ Muskan, lodged present FIR stating that she is a resident of District Ferozabad (U.P.) and her



daughter, Kusuma @ Muskan, had gone to stay with her friend Kajal Kumari at Bhondsi, Gurugram, on 08.08.2024 for a few days. On 11.08.2024, Kajal Kumari informed the complainant that Kusuma @ Muskan had gone somewhere during the night of 10/11.08.2024 without disclosing anything to anyone. On 12.08.2024, body of an unknown person was recovered, which upon verification in the mortuary at Gurugram, was identified as of Kusuma @ Muskan. FIR, therefore, did not name or suspect anyone as an accused, and the case was registered as one of homicide by some unknown person.

However, one day after the registration of FIR, on 15.08.2024, a supplementary statement of Kajal Kumari under Section 161 Cr.P.C. (Section 180 BNSS) was recorded, wherein she stated that the deceased was last seen in the company of two persons, namely Raja @ Rahul Yadav and his friend Shivam Kashyap (petitioner herein), as both had accompanied the deceased when she left her room at Bhondsi. On the basis of this statement, accused Raja @ Rahul Yadav was arrested, and his confessional disclosure statement was recorded on 22.08.2024. In his statement, he disclosed that he, along with his friend Shivam Kashyap, had committed the murder of Kusuma @ Muskan. The motive, as per the disclosure statement, was that the deceased was allegedly deceiving both of them by maintaining relations with each. It was further disclosed that Raja @ Rahul Yadav had caught hold of the deceased while the petitioner Shivam Kashyap killed her by hitting a stone on her head.



3. Counsel for the petitioner submits that it was only after about three months of the said disclosure statement, i.e., on 16.11.2024, that blood-stained clothes allegedly worn by Raja @ Rahul Yadav were recovered from the house of the petitioner at Ferozabad (U.P.). Learned counsel argues that no substantial or direct evidence has been collected during the course of investigation to implicate the petitioner and, therefore, his further detention in custody serves no meaningful purpose. Thus, it is prayed that petitioner be granted the concession of regular bail in the present case.

4. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 29.10.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 01 year 01 month and 07 days period inside jail and petitioner is accused in one more case i.e. FIR No.1903/2023 under sections 394 and 411 of IPC registered at Police Station Firozabad South, Firozabad.

5. Learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, submits that one mobile phone and motorcycle used in the commission of the crime by the petitioner and his co-accused have been recovered from the petitioner.

However, upon a specific query raised by the Court, learned State counsel informs that neither any blood-stained clothes worn by the



petitioner, nor any weapon used in the offence has been recovered from him.

6. This Court has heard the submissions advanced by learned counsel for both parties and has carefully perused the material available on record.

7. It is evident that present case rests entirely on circumstantial evidence and has primarily been built upon the disclosure statement of the co-accused, Raja @ Rahul Yadav, who was the first to be arrested. The only recovery attributed to the present petitioner is that of a motorcycle allegedly used in the commission of the offence and a mobile phone. The blood-stained clothes have been recovered only of the other co-accused, Raja @ Rahul Yadav. Whether the motive sought to be established through the confessional disclosure statement of said co-accused is believable or not, is a matter yet to be established by the prosecution beyond reasonable doubt during trial.

It is also a relevant consideration for the trial Court that FIR in question was lodged at the instance of Geeta Devi, mother of the deceased, after a delay of three days, i.e. on 14.08.2024, though she had received information about her daughter's disappearance from the room of Kajal Kumari on 11.08.2024. Furthermore, while lodging the FIR, there was no mention that Kajal Kumari had informed the complainant about the deceased leaving her room in the company of the petitioner or the co-accused.

At this stage, it would not be appropriate for this Court to comment upon the factual matrix or the evidentiary value of the material



CRM-M-14191-2025

5

collected during investigation, as such an assessment is not warranted for the purpose of deciding the present petition.

8. In view of the totality of circumstances, nature of allegations, and the factors discussed hereinabove, this Court deems it just and appropriate to extend the concession of regular bail to the petitioner.

Consequently, 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.

(SANJAY VASHISTH)
JUDGE

04.11.2025

Lavisha

Whether Speaking/Reasoned: ✓YES/NO
Whether Reportable: ✓YES/NO