

**CRA-S-3993-2025****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****124****CRA-S-3993-2025
Decided on : 23.04.2026**

RXXXX

... Appellant(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Kanwar Abhay Singh, Advocate and
Mr. Govind Rana, Advocate
for the appellant(s).

Mr. Amish Sharma, AAG Haryana

SANJAY VASHISTH, J. (Oral)

1. Present appeal has been filed by the appellant, challenging the order dated 18.11.2025 passed by the Court of learned Addl. Sessions Judge (Fast Track Court), Gurugram, whereby regular bail petition filed by him, in case, FIR No.254 dated 14.08.2024, under Sections 61(2) and 103(1) of BNS at PS Bhondsi, District Gurugram, has been dismissed.

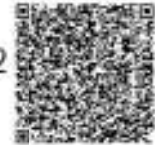
2. Learned counsel for the appellant contends that complainant Geeta Devi, mother of the deceased Kusuma @ Muskan, lodged present FIR stating that she is a resident of District Ferozabad (U.P.) and her daughter, Kusuma @ Muskan, had gone to stay with her friend Kajal Kumari at Bhondsi, Gurugram, on 08.08.2024 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

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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, 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 Shivam Kashyap killed her by hitting a stone on her head.

3. Counsel for the appellant submits that the appellant was 16½ years of age at the time of commission of offence and he was driving the motorcycle. Co-accused Shivam Kashyap @ Shivam Kayshap was pillion rider, who was implicated as accused on the basis of disclosure statement of the appellant. Co-accused Shivam Kashyap @ Shivam Kayshap has already been released on bail by the Court vide order dated 04.11.2025 passed in CRM-M-14191-2025. As far as recovery of blood stained clothes of the appellant are concerned, during the course of hearing nothing could be pointed out by the Court of learned Magistrate. He

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further submits that supplementary statement of informant –Kajal Kumari was recorded after 4/5 days of the incident, when dead body was noticed and she had informed that the deceased was last seen in the company of two persons. Learned counsel argues that no substantial or direct evidence has been collected during the course of investigation to implicate the appellant and, therefore, his further detention in custody serves no meaningful purpose. Thus, it is prayed that appellant be granted the concession of regular bail in the present case.

4. Learned State counsel, while opposing the prayer and submissions made by learned counsel for the appellant, submits that one mobile phone and motorcycle used in the commission of the crime have been recovered.

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

6. It is evident that present case rests entirely on circumstantial evidence. 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 appellant 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 collected during investigation, as such an assessment is not warranted for the purpose of deciding the present appeal.

7. In view of the totality of circumstances, nature of allegations, and the



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factors discussed hereinabove, this Court deems it just and appropriate to extend the concession of regular bail to the appellant.

Consequently, prayer made in the present appeal is allowed. Appellant 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.

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

9. 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.

10. Appeal stands disposed of.

April 23, 2026

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

**(SANJAY VASHISTH)
JUDGE**