

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-6278-2026

Date of decision: 29.04.2026

MUKUL MATHUR

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. D.S. Matya, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG Haryana.

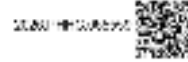
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RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.185 dated 06.08.2024 registered under Sections 103(1), 3(5), 351(2), 351(3) BNS, 2023 at Police Station New Colony, Gurugram, District Gurugram.

2. Brief facts of the case of prosecution are that the petitioner in collusion with his father committed brutal murder of his wife namely Amita. Hence, the present FIR.

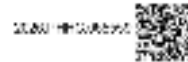
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He submits that the petitioner is a physically and mentally challenged person who is dependent upon his family members for his day-to-day activities. He submits that there is no eye-witness in the present case and the entire prosecution case



complainant as well as all other private witnesses have not deposed against the petitioner which could directly or indirectly connect him with the alleged commission of crime. He submits that it was rather the petitioner's father namely Devender who committed the murder of his wife. He submits that the disclosure statement made by father of the petitioner do not allege any specific act, role or weapon attributable to the petitioner. He submits that the role attributed to the petitioner is that he held the legs of the petitioner during commission of the offence. He further submits that the FIR has been registered merely on hearsay and assumptions. Therefore, he prays that the present petition be allowed.

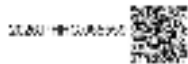
4. Notice of motion.

5. Learned State counsel who has appeared on advance notice has filed custody certificate of the petitioner. Status report has already been filed and she while relying on the same has opposed the prayer for grant of regular bail by submitting that the allegations levelled against the petitioner are serious in nature. She submits that the petitioner was actively involved in the commission of the crime as he assisted his father by tying the legs of the deceased and brought items such as polythene and scarf (*chunni*) used for killing the victim-Amita. She submits that the petitioner had complete knowledge and intention to kill the victim as he has himself admitted to the commission of murder of his wife in collusion with his father in his disclosure statement. She submits that the father of the petitioner had suffered a separate disclosure statement wherein he has categorically stated that he had told the petitioner to bring a scarf (*chunni*)



and thereafter both of them tied the legs of the victim. She further submits that the petitioner has not placed on record any document to show that he is a physically and mentally challenged person. Therefore, in view of the seriousness of the allegations, she prays for dismissal of the present petition.

6. I have heard learned counsel for the parties and perused the material available on record. The allegations against the petitioner are serious in nature. In the present case, the petitioner was not a passive bystander but an active participant in the commission of the offence. He assisted his father by procuring material objects such as polythene and *chunni*, which were used in the execution of the crime. Further, he played a direct role by restraining the deceased by holding and tying her legs, thereby facilitating the fatal assault. The manner in which the offence was committed clearly reflects a shared intention between the accused persons. The father of the petitioner has specifically stated in his disclosure statement that the petitioner was instructed to bring scarf (*chunni*) and that both of them together tied the legs of the deceased before causing her death. Such acts demonstrate conscious participation and knowledge of the lethal consequences. The plea of the petitioner being physically and mentally challenged is unsupported by any documentary evidence on record and appears to be an afterthought to seek leniency. Given the brutal nature of the murder, the active role attributed to the petitioner, and the *prima facie* indicate a clear intention to cause death and reflect his active participation coupled with common intention. The petitioner is seeking bail



approximately 01 year and 08 months, though not insignificant, cannot by itself be a ground for grant of regular bail in the facts of the present case, particularly in view of the seriousness of the allegations. It is trite law that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made by the Hon'ble Supreme Court in *Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav, 2004 AIR(SC) 1866, Chenna Boyanna Krishna Yadav v. State of Maharashtra, (2007) 1 SCC 242* and *State through CBI v. Amaramani Tripathi, 2005 (4) RCR (Criminal) 280(SC)*.

7. Consequently, keeping in view the gravity of the offence, the custody period undergone by him, and the larger societal interest, this Court does not find it to be a fit case for grant of bail. Accordingly, the present petition is dismissed.

29.04.2026
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(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No