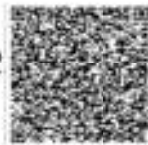


2026:PHHC:029832



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13877-2025
Date of decision: 24.02.2026

MOHD. MUKESH KHAN

.... Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Prateek Rathee, Advocate,
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in this 2nd petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) is for the grant of regular bail to the petitioner in case FIR No.39 dated 20.02.2023 registered under Section 302 IPC (Section 201 IPC added later on) at Police Station Sector 14, District Gurgaon.

2. The brief facts leading to registration of the aforementioned FIR are that on 20.02.2023, an information was received at the Police Station that the dead body of a girl had been brought to Fortis Hospital by two boys, one of them being the petitioner herein, who had asserted that the girl, since deceased, had fallen from the 4th floor. Pursuant to the information, the police team reached at Fortis Hospital, Gurugram and obtained copy of MLC and Rukka. The said girl was declared having been brought dead and none from the family members of the deceased girl were

found there. After some time, the elder sister of the deceased namely Kavita, reached there along with her legal advisor and presented a written complaint stating therein that since the last four years, she was working in Flat No.101, Mihir Society, Sector-52, Gurugram as a nanny and the deceased Kalpana was her younger sister, who also used to work as a cook in various houses since the last 6-7 years. It was further averred that on 28.12.2022, she had gone to her village and came to Delhi on 31.01.2023. She had come to Khanpur Hostel, Delhi and on 03.02.2023 she went to meet her sister Kalpana in the hostel and on 05.02.2023, she had returned to her work. It was further averred that 2-3 days ago she came to know that her sister was with her friends. She was not acquainted with the friends of her sister and she told her that she would come to the hostel on 19.02.2023, as she had to join her job on 20.02.2023. However, the complainant came to know that her sister along with her friends had gone out of town since 10.02.2023. It was further averred that she had talked to her sister latest on 18.02.2023 and on 20.02.2023 around 04:00 AM she had received a call from her uncle Nar Bahadur, who informed her that her sister had committed suicide. It was further alleged that after some time, she received a call from mobile phone No.8348410556 and the person had introduced himself as Mukesh i.e. the petitioner, and had told her to reach at the Fortis Hospital at the earliest as her sister was admitted to the hospital. It was further alleged that the petitioner had also shared the hospital's location and thereafter, the complainant had contacted Sanjeet on his mobile phone and disclosed about the incident and reached the hospital along with other relatives. It was further alleged that her sister was with the petitioner since 10.02.2023 and he

an apprehension that the petitioner might have thrown her sister from the 4th floor. She further contended that her sister could not have committed suicide and she was pushed from the floor. On the basis of her complaint, the present FIR was registered and investigations were taken up.

3. The learned counsel for the petitioner contends that the statement of PW1-Kavita and PW2-Kapil Khatana have been recorded. None of these statements further the prosecution case. In fact, PW2-Kapil Khatana has admitted that none of the 04 videos were taken from the CCTV camera installed in his building as there are no such CCTV cameras installed at all. Taking the said footage to be believable the same do not inculcate the petitioner. In fact, the challan does not refer to any CCTV footage showing the petitioner pushing the deceased to her death. She has died due to an accident. As the petitioner is in custody since 20.02.2023 but only 17 out of the 33 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.

4. A reply dated 17.02.2026 by way of an affidavit of Sukhbir Singh, HPS, Assistant Commissioner of Police, Old Gurugram, Haryana has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that the petitioner had earlier filed a petition for the grant of bail which came to be dismissed vide a order detailed order dated 13.09.2024 (Annexure P-12). There are no change in material circumstances entitling the petitioner to the grant of bail. The motive behind the occurrence is that the petitioner who was in a live-in-relationship with the deceased suspected her character. He

had provided her a new phone and had requested her to put in a SIM in the

new phone with a further request not to put in her old contact details. On 09.02.2023, a verbal spat took place between the deceased and the petitioner. In a fit of rage, he burnt the wrist of the deceased with a cigarette, dragged her and pushed her off the 4th floor balcony. The allegations are grave and therefore, the petitioner is not entitled to the concession of bail moreso when the trial is proceeding at a steady pace and 17 of the 33 prosecution witnesses already stand examined.

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

6. The relevant extract of the reply dated 17.02.2026 filed by Sukhbir Singh, HPS, Assistant Commissioner of Police, Old Gurugram is as under:-

“11. That during the course of investigation, the CCTV footage from the cameras installed at the site of the incident was taken into police possession alongwith the requisite certificate mandated by the provisions of Section 65 B of The India Evidence Act, 1872. By perusal of the same, it had transpired that the petitioner and the deceased Kalpana could be seen quarreling and the petitioner could be seen forcibly dragging her away by holding her hand and the deceased could be seen falling down from above. The pendrive containing the footage of the place of occurrence is appended to along with the present affidavit as Annexure R4.

13. That during the course of investigation, Call detail records, and the ID of the mobile SIM of the petitioner (8910869701) and deceased Kalpana (77011988715) were obtained alongwith the certificate mandated by the provisions of Section 65B of the Indian Evidence Act, which were taken into police possession. The collected records were analyzed and upon analysis of the same, it transpired that the petitioner and the deceased had been in communication multiple times on 19.02.2023 and the location of the mobile phone was found to have been at the scene of crime.

15. That the petitioner has played an active and crucial role in the present case. He had committed the murder of the deceased. As per the investigations, the petitioner had befriended the deceased, and had been staying with her off and on. The petitioner got suspicious about the deceased when he noticed she indulging in chatting on phone with someone and a verbal spar had ensued between the deceased and the petitioner on 17.02.2023 during which the petitioner had broken the mobile phone of the deceased. However, he had brought her a new phone on 18.02.2023 and had requested her to put in the SIM in the new phone and had requested her not to put in the old contacts details. On 19.02.2023, the petitioner alongwith his friends were present at the rented accommodation of Suman Suba and in the said party they had consumed beer, however, the deceased was repeatedly receiving phone calls on her number and a verbal spar had ensued between the deceased and the petitioner and pursuant to that they had walked out of the party and thereafter had reached on the rented accommodation and the petitioner in the fit of rage, had burnt the wrist of the deceased with cigarette and thereafter the petitioner had dragged her and while the deceased was present in the 4th floor balcony, she was pushed down by the petitioner and thereafter the deceased succumbed to the injuries suffered by her on account of the fall.

7. The allegations against the petitioner are grave, 17 of the 33 prosecution witnesses stand examined and the Trial is proceeding at a steady pace. The first bail application of the petitioner has been dismissed on merits. There are no material change in circumstances entitling the petitioner to the grant of bail at this stage.

8. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.

9. However, the Trial Court is directed to conclude the Trial as expeditiously as possible but in any case not later than 06 months from the next date of hearing fixed before it.
10. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

24.02.2026

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