HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal 2nd Miscellaneous Bail Application No. 11863/2026
CNR: RJHC020711732026 | URN: CRLMB / 21836U / 2026

Praveen Kumar Khichad S/o Mahaveer Singh, Aged About 33 Years, R/o Anandpura, Police Station Dhanuri, District Jhunjhunu (Rajasthan) (At Present In District Jail, Jhunjhunu).

----Petitioner

Versus

The State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Sanjeev Kumar Mahala
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP Mr. Ghanshyam Singh Rathore with Mr. Gajraj Singh Rajawat

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HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

19/08/2026

1. Instant bail application is preferred by applicant-accused **Praveen Kumar Khichad S/o Mahaveer Singh** in a matter arising out of FIR No.28/2024 dated 20.03.2024 registered at Police Station Dhanuri, District Jhunjhunu for offence under Sections 143, 449, 302 and 120-B of IPC.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter and the investigation against him is complete and he is no more required in investigation. He further submits that there are no chance of fleeing of applicant accused from the jurisdiction of this Hon’ble Court. He also submits that the applicant undertakes not to repeat offence and cooperate with trial, which will take time

3. Learned counsel for petitioner submits that after dismissal of first bail application, the trial has not been concluded by the trial court. He further submits that in the instant case, PW4

Heeralal, PW5 Shishram and PW8 Hoshiyar Singh have claimed that they are eyewitnesses to the incident, but in cross-examination, the admission of PW4 Heeralal clearly indicates that after the assault and death, he reached the spot. He also submitted that PW5 Shishram, who is complainant, has also reached with Heeralal on the spot after the incident. He further referred to cross-examination of PW8 Hoshiyar Singh and submitted that he also reached after the incident. He also submitted that no recovery has been effected at the instance of present petitioner, rather the allegation is upon Parminder and recovery has been effected at the instance of Parminder. At last, he submitted that petitioner is in custody since his arrest on 20.03.2024, and no specific attribution is made upon him. He also submitted that there is no eyewitness to the incident and the prosecution has failed to establish any motive behind commission of murder.

4. Aforesaid contentions were opposed by learned counsel for complainant and learned Public Prosecutor. Learned counsel for complainant has submitted that the trial is at fag end and only cross-examination of IO is remaining, which has been deferred at the instance of counsel for accused. He also submitted that it is a case of broad daylight murder, wherein two elderly persons were murdered by petitioner and other accused. He also submitted that evidence clearly suggests that present petitioner along with accused went to cut the fencing installed by the deceased and petitioner was armed

with cutter at the time of incident and he actively participated in the murder of both the deceased.

5. Heard learned counsel for the parties and learned Public Prosecutor and perused the material placed on record.

6. The first bail application of present petitioner was dismissed on 22.08.2025, wherein we have observed as under:

> 6. After dismissal of bail application under Section 439 of Cr.P.C. (corresponding under Section 483 of BNSS) by learned Additional Sessions Judge No.2, Jhunjhunu in Sessions Case No.47/2024 (62/2024), the instant bail application is filed by applicant-accused. At the time of dismissal of application by the Trial Court, has fixed the Sessions Case at the stage of charge. A status report indicated that learned Trial Court has framed charges on 01.04.2025, and after framing the charge, the witnesses were summoned. Thereafter fixed next date for recording the statement of prosecution witness as 01.05.2025.
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> 7. Having considered the fact that the matter pertains to offence under Section 302 IPC and initially the bail application is dismissed by Trial Court before framing the charge, and thereafter, charge is framed and now the matter is fixed for prosecution evidence, and there is no additional material except charge-sheet to consider bail. This matter has not been argued on multiple occasions as and when this matter is called. Sufficient opportunities were already granted to the counsel for applicant-accused to argue the matter. A order-sheet dated 27.03.2025 indicate that the counsel for applicant-accused is directed to argue the matter on next date, but still on 16.04.2025, an adjournment is sought and same is granted. The

prayer for adjournment is rejected and we are disposing of bail application on basis of record.

8. It appears that the instant bail application is filed just to keep pending before this Court, and to misuse the process. No right is available to the applicant-accused to keep pending bail application. The applicant-accused has a right to file bail application even after recording of evidence by the Trial Court and he can again approach this Court. The Trial Court has dismissed the bail application on merits and looking to material on record, no case is made out for interference in the impugned order passed by the Trial Court. The offence is of serious and grave nature.

7. It has been submitted to the Court that except cross-examination of IO, the prosecution evidence has been completed. It is also informed that the cross-examination of IO is deferred only at the request of learned counsel for accused. The statement at bar clearly indicates that the trial is at fag end and the cross-examination has also been deferred at the request of counsel for accused and in such eventuality, the petitioner is not entitled for bail on this ground alone.

8. When we come to the evidence of PW4 Heeralal, PW5 Shishram and PW8 Hoshiyar Singh in trial and their cross-examination, which is subject matter of evidence to evaluate the evidence on merits, but a fact is brought on record that present petitioner along with his brother Parminder went to place of deceased and present petitioner was having a cutter so as to remove/destroy fencing installed by the deceased. The evidence on record indicate that Parminder was armed

with a knife and he assaulted with knife. It is also submitted that the knife has been recovered at the instance of Parminder. Present petitioner was also present with Parminder. Therefore, considering the role and involvement of present petitioner, it is not a fit case to enlarge petitioner on bail.

9. The facts and the material indicate that the alleged offence are of serious nature and role attributed to applicant is prima facie sufficient to consider complicity of applicant in the crime. Therefore, at this juncture, considering the evidence collected so far, this is not a fit case to enlarge the applicant accused on bail.

10. Considering the gravity of allegations and overall facts and circumstances of the case, it is appropriate to dismiss the bail application of the applicant accused at this stage.

11. Accordingly, the second application for bail filed under Section 483 of BNSS preferred by **Praveen Kumar Khichad S/o Mahaveer Singh** is hereby dismissed.

12. The trial court is directed to conclude the trial as early as possible.

(ASHOK KUMAR JAIN),J

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