HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 15681/2024

Krishan Kumar S/o Sh. Daleep Singh, Aged About 18 Years, R/o W.no.12 Adarsh Colony, Aradki Road Tehsil Nohar, Dist Hanumangarh (Raj) (At Present Lodged In Sub Jail Nohar)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 15713/2024

Madan Singh S/o Jagdish, Aged About 22 Years, R/o Lakhasar, Tehsil Nohar, Hanumangarh, Raj (Presently Lodged At Sub Jail Nohar Dist Hanumangarh)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Suresh Nehra Mr. Vinod Kumar Sihag
For Respondent(s)	:	Mr. Shrawan Singh Rathore, PP Mr. Anil Biden for complainant

---

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

28/01/2025

These applications for bail under Section 439 Cr.P.C. (483 BNSS) have been filed by the petitioners who have been arrested in connection with F.I.R. No.25/2024 registered at Police Station Gogameri, Dist. Hanumangarh for the offences punishable under Sections 307, 325, 341, 323, 120-B and 143 of IPC.

Heard learned counsel for the parties at Bar. Perused the material available on record.

Learned counsel for the petitioners submitted that the petitioners have been falsely implicated in the present case. Learned counsel submitted that the petitioners have not been named in the FIR. Drawing attention of the Court towards the statements of the injured- Suresh recorded under Section 161 Cr.P.C., learned counsel submitted that as per the injured, on 20.01.2022 at about 11:00 pm., when he was closing the shutter of his medical shop, a four wheeler stopped near him from which one person got down with a stick and hit him on his head. The injured suspected that the person who had hit him with his stick could be co-accused- Raju Khan. Injured- Suresh in his statements has further stated that at the time of the alleged incident, two or three persons were also accompanying co-accused Raju Khan.

Drawing attention of the Court towards the challan papers learned counsel submitted that no weapon has been recovered at the instance of the present petitioners. Whereas, blunt weapons (lathis) allegedly used in commission of the alleged crime has been recovered at the instance of the co-accused persons namely Sunil and Raju Khan.

Learned counsel submitted that no case for the alleged offences is made out against them and their incarceration is not warranted in the present case. There are no factors at play in the case at hand that may work against grant of bail to the petitioners. The petitioners have been made an accused based solely on conjunctures and surmises only.

Lastly, learned counsel for the petitioners submitted that the petitioners are in judicial custody and the trial of the case will take sufficiently long time, therefore, the benefit of bail may be granted to the accused-petitioners.

Per contra, learned Public Prosecutor and learned counsel for the complainant have vehemently opposed the bail applications.

Having considered the rival submissions, facts and circumstances of the case, this Court *prima facie* finds that the petitioners have not been named in the FIR; no incriminating material has been recovered at the instance of the present petitioners; the blunt weapon allegedly used in commission of the alleged crime have been recovered at the instance of the co-accused persons. This Court also *prima facie* finds that the prosecution has not shown any apprehension of the petitioners influencing the material prosecution witnesses of the case or fleeing away from justice, in case, they are enlarged on bail. Thus, without expressing any opinion on merits/demerits of the case, this Court is of the opinion that the bail applications filed by the petitioners deserve to be accepted.

Consequently, these bail applications under Section 439 Cr.P.C. (483 BNSS) are allowed. It is ordered that the accused-petitioners **(1) Krishan Kumar S/o Sh. Daleep Singh and (2) Madan Singh S/o Jagdish** arrested in connection with F.I.R. No.25/2024 registered at Police Station Gogameri, Dist. Hanumangarh shall be released on bail, if not wanted in any other case, provided **each of them** furnishes a personal bond of Rs.50,000/- and two sureties of

Rs.25,000/- each, to the satisfaction of learned trial court, for their appearance before that court on each & every date of hearing and whenever called upon to do so till completion of the trial.

It is however, made clear that findings recorded/observations made above are for limited purposes of adjudication of bail application. The trial court shall not get prejudiced by the same.

A copy of this order be placed in each file.

(KULDEEP MATHUR),J

47-48-himanshu/-