

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 2321/2026

Vishnu Vishnoi S/o Jagdish, Aged About 19 Years, R/o Near Gopji Ki Puao, Vishnoiyon Ki Dhani, Khedi Salwa, Police Station Dangiyawas, District Jodhpur, Rajasthan. (Presently Lodged At Central Jail, Jodhpur)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Shiv Kumar Bhati
For Respondent(s)	:	Mr. Narendra Gehlot, PP Mr. Bhunesh Kachhwa for complainant

HON'BLE MR. JUSTICE KULDEEP MATHUR

ORDER

27/03/2026

1. This application for bail under Section 483 BNSS has been filed by the petitioner who has been arrested in connection with F.I.R. No.05/2024 registered at Police Station Dangiyawas, District Jodhpur, for the offences under Sections 302, 307 and 120-B of IPC and Sections 3/25 and (1-B)(A) of Arms Act.
2. The first application for bail filed on behalf of the petitioner was dismissed as not pressed vide order dated 24.11.2025 while granting liberty to the petitioner to file a fresh bail application after statements of the investigating officer are recorded before the competent criminal court.
3. Learned counsel for the petitioner submitted that as per the prosecution, on 18.01.2024, the petitioner had fired a gunshot on complainant's brother namely Anil with an intention to kill him due

to previous animosity between the parties. From the injury sustained from gunshot, Anil fell down and died on the spot. An FIR was lodged under Sections 302, 307 and 120-B of IPC and Sections 3, 25(1-B)(a), 7 and 27 of the Arms Act against the petitioner and co-accused persons and investigation was commenced. The petitioner is chargesheeted for the offences under Sections 302, 307 and 120-B of IPC and Sections 3, 25(1-B)(a) of Arms Act.

4. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case. Drawing attention of the Court towards the statements of the Investigating Officer (P.W.08), learned counsel submitted that the investigating agency has conducted shoddy investigation in the matter as in cross examination of Investigating Officer, he admitted to the fact that the map prepared by the investigating agency was not authenticated by Jitendra nor was it corroborated by any of the eye-witnesses present so also the fact that the gun recovered at the instance of the present petitioner was not sent for FLS examination.

5. Learned counsel further submitted that statements of material prosecution witnesses including eye-witnesses of the case have already been recorded before the competent criminal court, therefore, now there is no possibility of the petitioner influencing them. It was further submitted that material prosecution witnesses including eye-witness; Jitendra (P.W-02), Vikas (P.W.-03), Pukhraj (P.W.-04) and Suraj (P.W.-05) have not supported the prosecution story and have turned hostile.

6. Lastly, it was submitted that the petitioner is in judicial custody since 20.01.2024; the investigation in the matter has been completed; challan has been filed before the competent criminal court; no recovery is due to be made from the petitioner and the trial of the case will take a sufficiently long time, therefore the benefit of bail may be granted to the accused-petitioner.

7. *Per Contra*, learned counsel for the complainant and learned Public Prosecutor have vehemently opposed the bail application. Learned Public Prosecutor submitted that country made pistol used for murdering Anil was recovered with live cartridges at the instance of present petitioner. He thus prayed that looking to the gravity of the offence committed by the petitioner, he does not deserve to be enlarged on bail.

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

9. Having considered the rival submissions, facts and circumstances of the case and from a perusal of the case file, this Court prima facie finds that the petitioner is accused of committing a grave and heinous offence of murder by allegedly shooting the deceased Anil on his head at a close range with an illegal country-made pistol.

10. At this stage, it is noteworthy that during investigation, four empty cartridges were recovered from the place of incident. As per the material on record, the markings on these cartridges match with the barrel of the pistol recovered at the instance of the petitioner. This fact, prima facie, supports the case of the

prosecution and indicates the possible involvement of the petitioner in the offence.

11. So far as the argument regarding defective or shoddy investigation is concerned, this Court is of the view that such issues cannot be gone into in detail at the stage of bail. At this stage, the Court is only required to see whether a prima facie case exists against the accused. When material is available on record indicating involvement of the petitioner, the alleged defects or lapses in investigation lose significance for the purpose of deciding the bail application. Such aspects, including the manner of investigation and its effect on the prosecution case, are matters of evidence which can only be properly examined by the learned trial court during the course of trial.

12. Further, although it has been contended that some of the prosecution witnesses have turned hostile, it is to be noted that the trial is still in progress and has not yet reached even the halfway mark. Statements of other material witnesses are yet to be recorded before the competent criminal court. Therefore, the possibility of influencing remaining witnesses or even fleeing away from justice cannot be ruled out at this stage.

13. Moreover, considering the nature and gravity of the accusation, which involves an offence punishable under Section 302 IPC, this Court is of the opinion that the allegations against the petitioner are serious in nature. The manner in which the offence is alleged to have been committed and the evidence collected during investigation do not persuade this Court to enlarge the petitioner on bail at this stage.

14. In view of the aforesaid discussion, this Court does not find it to be a fit case for grant of bail to the accused-petitioner.

15. Consequently, this second application for bail under Section 483 BNSS is hereby dismissed.

16. 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.

(KULDEEP MATHUR),J

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