

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 1742/2026

Jagmal Singh S/o Narpal Singh, Aged About 49 Years, R/o Vasi
Ka Vass, Thob, District Barmer.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Bhanwarlal S/o Moolchand, R/o Chouhatan, District
Barmer.

-----Respondents

For Petitioner(s) : Mr. JS Rathore

For Respondent(s) : Mr. PK Bhati, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

13/03/2026

Learned counsel for the petitioner submits that nine witnesses were present at the place of occurrence; however none of them have been produced by the prosecution. Out of these witnesses one is the victim on whose complaint the FIR was filed.

It is further submitted that although the said witnesses were present at the time of incident the prosecution has purposely not been produced them. Since they are Government servant they are not appearing at the instance of the petitioner as defence witnesses. However, since they are material witnesses and are essential for the final decision of the case, they deserves to be summoned.

Learned counsel further submits that the application for the same has been rejected without considering these facts merely on the ground that they cannot be called as prosecution witnesses.

In view of the submissions made by the counsel for the petitioner, this Court is inclined to interfere in the matter.

Issue Notice.

Learned Public Prosecutor accepts notice on behalf of respondent-State.

Issue notice to respondent No.2, returnable within four weeks.

Meanwhile, learned trial Court may not pass the final judgment in the matter.

(BALJINDER SINGH SANDHU),J