

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

S.B. Criminal Misc(Pet.) No. 1770/2026

1. Bhanwar Singh S/o Jaswant Singh, Aged About 74 Years,
R/o Mahaveer Cinema Sumerpur Teshil Sumerpur District
Pali.
2. Angad Choudhary S/o Bhanwar Singh Choudhary, Aged
About 43 Years, R/o Mahaveer Cinema Sumerpur Teshil
Sumerpur District Pali
3. Jamwant Gujar S/o Bhanwar Singh Choudhary, Aged
About 47 Years, R/o A 49 Krishna Nagar New Pali Road
Jodhpur Kum Bhagat Ki Kothi Jodhpur

-----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Dayal Singh S/o Dungar Ram, Aged About 66 Years, R/o
B 6 Krishna Nagar Jodhpur

-----Respondents

For Petitioner(s)	:	Mr. Nishant Bora
For Respondent(s)	:	Mr. V.S. Rajpurohit, PP Mr. Zeeshan Ali

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

13/03/2026

The instant Criminal Miscellaneous Petition has been preferred by the petitioner under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) against the order dated 22.01.2026 passed by the learned Additional Chief Judicial Magistrate, Bali in Criminal Case No. 36/2026 (arising out of FIR No. 480/2021 registered at Police Station Sumerpur, District Pali), whereby cognizance was taken for offences under Sections 420,

406, 467, 468, 471 and 120-B of the IPC and criminal proceedings were initiated against the petitioner.

Learned counsel for the petitioner submits that by way of the order dated 22.01.2026, the trial Court has taken cognizance and has further directed point-wise investigation to be carried out by the Investigating Agency. Learned counsel submits that the petitioner is aggrieved by the direction of the learned Magistrate ordering further investigation on specific points and directing the Investigating Agency to conduct an enquiry and furnish the report. It is further submitted that the learned Magistrate has gone to the extent of directing recovery of the alleged will from the petitioner.

Learned counsel further submits that earlier also an order dated 06.03.2025 had been passed directing recovery of the alleged will and sending the matter for FSL examination. The said order was set aside by a Coordinate Bench of this Court vide order dated 23.04.2025. It is submitted that although the earlier order has been set aside, a similar order has now again been passed, albeit in a different manner.

Learned counsel for the complainant submits that the impugned order is in accordance with law and that the learned Magistrate is empowered to order further investigation while dealing with such matters.

This Court has considered the order dated 22.01.2026, the earlier order dated 06.03.2025, as well as the order passed by the Coordinate Bench of this Court on 23.04.2025 in *CRLMP No. 3134/2025*.

This Court finds substance in the arguments raised by the petitioner and is inclined to interfere in the matter at this stage.

Issue notice to the respondents.

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

Mr. Zeeshan Ali, learned counsel, accepts notice on behalf of respondent No. 2 and seeks some time to file reply to the petition.

In the meanwhile until the next date, the effect and operation of the order dated 22.01.2026, to the extent it directs further investigation, shall remain stayed. No coercive action shall be taken against the petitioner.

Put up after four weeks.

(BALJINDER SINGH SANDHU),J