

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

S.B. Criminal Misc(Pet.) No. 1918/2026

1. Om Prakash S/o Jagdish, Aged About 48 Years, R/o R Vpo 32 Rb, Fakirawali, Tehsil Padampur, District Sri Ganganagar. Raj.
2. Pawan Kumar S/o Jagdish Kumar, Aged About 42 Years, R/o Ward No. 8, Village 32 Rb, Fakirawali, Tehsil Padampur, District Sri Ganganagar.raj.
3. Shyam Sundar S/o Jagdish, Aged About 45 Years, R/o Ward No. 8, Village 32 Rb, Fakirawali, Tehsil Padampur, District Sri Ganganagar.raj.
4. Sandeep S/o Ramswaroop, Aged About 42 Years, R/o Ward No. 8, Village 32 Rb, Fakirawali, Tehsil Padampur, District Sri Ganganagar.raj.

-----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Pramod Kumar S/o Shri Budha Ram, R/o 79 Lnp First Police Station Ghumadwali Districtsri Ganganagar Raj.

-----Respondents

For Petitioner(s)	:	Mr. D.S. Gharsana Mr. I.S. Rathore Mr. Sourav Shekhar
For Respondent(s)	:	Mr. Vikram Rajpurohit, PP Mr. SR Godara

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU
Order

25/03/2026

The present petition has been filed by the petitioners, being aggrieved by the order dated 17.01.2026, whereby their bail bonds have been cancelled. It is submitted that in the present case, pursuant to the issuance of notice under Section 35, the bail bonds of the petitioners had already been furnished before the Investigating Agency.

In the present case, an application was filed by the learned Public Prosecutor for cancellation of the notice under Sections 35(4), (5) and (6) of the BNSS, and vide order dated 17.01.2026, the same was allowed, on the ground that an offence under Section 140(4) was found to be made out against the petitioners.

From the impugned order, it is not clear as to whether the bail bonds submitted by the petitioner in pursuance to the notice under Section 35 of BNSS. In view of the same, on the previous date, this Court directed the learned Public Prosecutor to clarify whether the bail bonds of the petitioners had been submitted. The learned Public Prosecutor, upon calling for and perusing the case diary, has informed this Court that the case diary contains the bail bonds submitted by the petitioners.

In light of the same, the effect of the order dated 17.01.2026 is, in fact, the cancellation of the bail bonds of the petitioners, although it ostensibly refers only to the cancellation of the notice, which effectively has resulted in cancellation of the bail bonds.

This Court, in ***Bakshi Ram vs. State of Rajasthan (SB Cr. L.R.P. No. 553/2023)***, has clearly held that merely because a non-bailable offence is subsequently found during investigation, the same cannot be a ground for cancellation of bail bonds, unless it is shown that the petitioners have misused the liberty granted to them. Relying on the same principle, this Court in ***Sunil Bhatia vs. State of Rajasthan (CRLMP No. 855/2026)*** has also held that, except in exceptional circumstances, bail bonds once furnished should not be cancelled.

In the present case, when the bail bonds of the petitioners were accepted, the offence under Section 140(3) of the BNS was already alleged against them. It is stated that subsequently a more aggravated offence under Section 140(4) of the BNS has

been added, and on that basis an application was filed by the SHO.

This Court has considered the averments and, in light of the law laid down in ***Bakshi Ram vs. State of Rajasthan (supra)*** as well as ***Sunil Bhatia vs. State of Rajasthan (supra)***, holds that the mere addition of a non-bailable offence cannot be a ground for cancellation of bail bonds. The respondent-State/complainant has failed to make out any case, and there is no finding in the impugned order dated 17.01.2026 that the petitioners misused the liberty granted to them while he was on bail.

The learned trial Court has cancelled the notices under Sections 35(4), (5) and (6) of the BNSS without considering the facts that the petitioners had already submitted the bail bonds and was on bail and the cancellation of the same would result in cancellation of his bail bonds. The order has been passed in an absolutely perfunctory manner without assigning any cogent reasons, which deserves to be set aside.

Learned counsel for the respondent has placed reliance on the judgment in ***Sanjay Bhandari vs. State of Rajasthan (SBCRLMP No. 289/2006)*** to contend that a revision petition is maintainable against the impugned order. However, in that case, the Court was dealing with orders of cognizance and framing of charges, which are final orders. In the present case, the order impugned is clearly an interlocutory order. There is no application for cancellation of the bail, however, the bail bonds of the

petitioner stands cancelled. The order directly effects the life and liberty of a person, as cancellation of bail bonds would result in re-apprehension of accused-petitioner and sending him into custody without any justifiable reason.

Hence, this Court deems it appropriate to exercise its extraordinary powers in the present case.

Accordingly, the present miscellaneous petition is allowed and the order dated 17.01.2026 passed by learned Additional Chief Judicial Magistrate, Padampur, District Sriganganagar is quashed and set aside. The bail bonds of the petitioners are restored and will continue till the culmination of the trial.

(BALJINDER SINGH SANDHU),J

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