

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

S.B. Criminal Misc. Stay Petition No.2859/2026

IN

S.B. Criminal Writ Petition No. 1285/2026

Fateh Khan S/o Shri Haji Abdullah, Aged About 54 Years,
R/o Village Sahlau, Tehsil Ramsar District Barmer.

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Lalu Singh S/o Shri Khaman Singh, R/o Karda, District Jaisalmer.

-----Respondents

For Petitioner(s)	:	Mr. Vishal Sharma
For Respondent(s)	:	Mr. Sriram Choudhary, Public Prosecutor Mr. Surendra Bishnoi, Public Prosecutor

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

28/03/2026

1. Heard on the interim stay application.
2. The present criminal writ petition has been preferred against FIR No. 104/2026, registered at Police Station Kotwali Barmer, District Barmer, for offences under Section 197(1)(D) of the BNS. The allegations relate to making imputations which are prejudicial to national integration.
3. Learned counsel appearing on behalf of the accused-petitioner submits that the complaint was lodged by a local Advocate regarding an alleged speech delivered by the accused-petitioner. According to the complainant, the contents of the

speech amount to an offence against the integrity of the State. The imputation as alleged in the complaint do not make any offence under Section 197 of BNS Act. Consequently, the counsel prayed for an interim stay regarding the arrest of the accused-petitioner.

4. In view of the contentions raised by the learned counsel for the accused-petitioner, which appear *prima facie* sustainable. This Court feels that the alleged offence is not *prima facie* attracted. Therefore, there shall be a stay on the arrest of the accused-petitioner; however, further proceedings and investigation pursuant to FIR No. 104/2026 may proceed to determine if the ingredients of an offence are made out.

5. Issue notice to the respondents.

6. Learned Public Prosecutor appears and accepts notice on behalf of the respondent No.1-State.

7. Issue notice to respondent No.2 only, returnable within a period of two weeks.

8. Learned Public Prosecutor is directed to file reply, if any, by the next date of hearing.

9. Post the matter on **18.04.2026**.

(MUNNURI LAXMAN),J