

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

S.B. Criminal Miscellaneous Bail Application No. 4698/2026
CNR: RJHC010343682026 | URN: CRLMB / 10688U / 2026

Mohit S/o Shri Chandra Shahay, Aged About 23 Years, R/o Ward No 11/16 Gandhi Basti, Near Sukhwant Cinema, Purani Abadi, Sri Ganga Nagar, Rajasthan. (At Present Lodged At Central Jail, Sri Ganganagar)

-----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor

-----Respondent

For Petitioner(s)	:	Mr. Bhojak Abhya, through VC
For Respondent(s)	:	Mr. Narendra Gehlot, PP with Mr. Om Prakash Choudhary

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

23/07/2026

1. The present bail application under Section 483 of BNSS is filed by the petitioner-accused **Mohit S/o Shri Chandra Shahay** seeking bail in respect of a criminal case registered as FIR No. 351/2020 dated 08.12.2020 registered at P.S. Purani Abadi, District Ganga Nagar, for the offence under Sections 307, 341, 323 and 143 of IPC.
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the matter and the investigation against him is complete and he is no more required in investigation. He further submits that there are no chance of fleeing of petitioner-accused from the jurisdiction of this Hon'ble Court. He also submits that the

petitioner undertakes not to repeat offence and cooperate with trial, which will take time.

3. Learned counsel for petitioner submits that after filing of charge-sheet, the statement of injured were recorded as PW-1 (PW-1A) and in his examination-in-chief, the complainant/injured has not only denied involvement of present petitioner but he has also denied identification of petitioner for involvement in the incident. He also submitted that the report has been registered against present petitioner by name which clearly means that present petitioner is known to injured and after denial, no case has been made out against the petitioner. He also referred statement of **PW-6 (PW-6A) Rajeev Kumar** and submitted that even he denied involvement of present petitioner in the incident. He also referred statement of **PW-2 Liyakat Ali, PW-3 (3A) Rajkumar Bajaj, PW-4 Raman Saharan, PW-8 Satish** and **PW-20 Hemant @ Rinku** and submitted that all other material witnesses have also turned hostile and not supported the case of prosecution. At last, he submitted that the petitioner-accused is in custody since his arrest in the month of August, 2022.
4. Learned Public Prosecutor has vehemently opposed the bail application and submitted that 23 witnesses have already been examined and the trial is at fag end and the present petitioner is having eight criminal antecedents.
5. Heard learned counsel for the petitioner-accused and learned Public Prosecutor. Perused the material placed on record by both the parties.

6. On basis of a report dated 08.12.2020 registered by complainant/injured Ravi Swami by recording his statement to police, under treatment at Government Hospital, Sriganganagar about alleged assault in the evening of 08.12.2020 by 4 named and 14-15 un-named persons resulting in deadly injuries upon him. After registration of FIR No. 351/2020, the police has filed a charge-sheet after investigation and after framing of the charge, the prosecution has examined 23 witnesses. The injured Ravi Swami has been examined as PW-1 before the Trial Court on multiple occasions. PW-1 Ravi Swami was declared as hostile and during cross-examination, he also denied the identification of present petitioner. Even, other witnesses named by the prosecution in the charge-sheet and referred during course of arguments, have also turned hostile and not supported the case of prosecution. Except police witnesses and medical jurist, there is no other evidence on record.
7. There are eight criminal cases registered against the petitioner, but in the instant case injured/complainant himself has not supported the case of prosecution, therefore, considering the evidence brought on record by prosecution, we have to consider bail application of present petitioner as petitioner is also in custody.
8. Upon hearing the arguments and perusing the record, we have found that the petitioner-accused is no more required in the investigation and he is in custody for quite some time. The further proceedings will take its own time, therefore, looking to entirety of facts and circumstances of the case

and without expressing any opinion on merits of the case, the Court deems it appropriate to grant bail to the petitioner-accused.

9. Thus, the instant bail application filed on behalf of petitioner-accused **Mohit S/o Shri Chandra Shahay**, is hereby allowed and the petitioner-accused is ordered to be released on bail upon furnishing a personal bond of ₹50,000/- with two sureties of like amount to the satisfaction of the Trial Court with the following conditions:-

- (i) The petitioner-accused shall not tamper with evidence or influence the witness in any manner.
- (ii) The petitioner-accused shall not indulge in any criminal activity and shall not repeat any criminal offence punishable under the Law.
- (iii) The petitioner-accused shall attend the hearing of the Trial Court on the date fixed by the Trial court or as and when asked to appear before the Trial Court.
- (iv) In case of any violation of above conditions, the bail granted to the petitioner-accused shall be liable to be canceled.

10. The Registry is directed to send a copy of this order to the Trial Court through E-mail.

(ASHOK KUMAR JAIN),J