

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

S.B. Criminal Miscellaneous (Petition) No. 3294/2025

Raj Kumar S/o Kewal Ram, Aged About 29 Years, R/o Raisar,
Police Station Shergarh, Dist. Jodhpur (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through Home Secretary,
Department Of Home, Jaipur.
2. The Director General Of Police, Jaipur.
3. The Inspector General Of Police, Jodhpur Range, Jodhpur.
4. The Superintendent Of Police, Jodhpur (Raj.)
5. The S.h.o., Police Station Shergarh, Dist. Jodhpur (Raj.)
6. Chhotu Singh S/o Ummed Singh, R/o Raisar, Tehsil
Shergarh, Dist. Jodhpur (Raj.)
7. Karan Singh S/o Dalpat Singh, R/o Raisar, Tehsil
Shergarh, Dist. Jodhpur (Raj.)
8. Chhotu Singh S/o Dip Singh, R/o Raisar, Tehsil Shergarh,
Dist. Jodhpur (Raj.)
9. Mahendra Singh S/o Ummed Singh, R/o Raisar, Tehsil
Shergarh, Dist. Jodhpur (Raj.)
10. Padam Singh S/o Pappu Singh, R/o Raisar, Tehsil
Shergarh, Dist. Jodhpur (Raj.)

-----Respondents

For Petitioner(s) : None Present

For Respondent(s) : Mr. Vikram Singh Rajpurohit, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

29/04/2026

1. No one appears on behalf of the petitioner to argue the case.
2. The instant petition under Section 528 of BNSS has been
filed on behalf of the petitioner seeking directions to arrest

respondent Nos.6 to 10 and to ensure a fair investigation of the matter by a Senior Police Officer.

3. Learned State Counsel places on record the factual report dated 28.04.2026. As per which, charge-sheet has already been filed against Chhotu Singh S/o Ummed Singh & Karan Singh S/o Dalpat Singh for the offences punishable under Sections 126(2), 115(2) & 3(5) of the BNS & Sections 3(1)(r)(s) & 3(2)(va) of SC/ST Act.

4. Insofar as the prayer made by learned counsel for the petitioner seeking directions for the arrest of respondent Nos. 6 to 10 is concerned, such directions cannot be issued under Section 528 of the BNSS. The power to make an arrest lies only with the investigating agency, which may choose not to arrest depending on the facts and circumstances of the case. Since a charge-sheet has already been filed by the investigating agency after a thorough investigation, this Court does not find it to be a fit case to exercise its powers under Section 528 of the BNSS to issue directions to the police authorities.

5. Accordingly, this Criminal Misc. Petition stands dismissed.

6. However, petitioner would be at liberty to raise all available objections before the learned trial Court at the appropriate stage.

(ANIL KUMAR UPMAN),J