

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

S.B. Criminal Miscellaneous Application No. 305/2024

State Of Rajasthan, Through Pp

-----Petitioner

Versus

1. Balwinder Singh S/o Avtar Singh, Aged About 39 Years,
R/o 26 F.f. Gajsinghpur, Tehsil Padampur, Dist.
Sriganganagar (Raj.)
2. Saminder Singh S/o Ratan Singh, Aged About 45 Years,
R/o Chak 4 J.s.d. Jaitsar Tehsil Suratgarh, District Sri
Ganganagar

-----Respondents

For Petitioner(s)	:	Mr. Narendra Singh, PP Mr. Sri Ram Choudhary, PP
For Respondent(s)	:	Mr. Ankur Limba

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

03/07/2026

1. The present Criminal Miscellaneous Application No.305/2024 in S.B. Criminal Misc. Petition No.7837/2023 has been filed on the ground that this Court, vide judgment and order dated 25.04.2024, allowed S.B. Criminal Misc. Petition No.7837/2023 by placing reliance upon the judgments rendered by the co-ordinate Bench of this Court in "**Swarn Singh @ Baba vs. State of Rajasthan: (CRLMP No.273/2020)**" and "**Pawan Sharma vs. State of Rajasthan: (CRLMP No.4128/2022)**", whereas the judgment rendered in "**Swarn Singh @ Baba**" (*supra*) had already been set aside by the Hon'ble Supreme Court vide judgment dated 12.02.2024 passed in "**State of Rajasthan vs.**

***Swarn Singh @ Baba", Criminal Appeal No.856/2024
(arising out of SLP (Crl.) No.3146/2021).***

2. Upon being queried, learned counsel for the respondent was not in a position to dispute the fact that the judgment relied upon by this Court while deciding S.B. Criminal Misc. Petition No.7837/2023 had already been set aside by the Hon'ble Supreme Court in Criminal Appeal No.856/2024.

3. In view of the aforesaid facts and circumstances of the case, and having regard to the fact that the judgment and order dated 25.04.2024 passed by this Court in S.B. Criminal Misc. Petition No.7837/2023 was rendered solely on the basis of a judgment which had already been set aside by the Hon'ble Supreme Court, this Court deems it just and proper to recall the said judgment and order dated 25.04.2024 passed in S.B. Criminal Misc. Petition No.7837/2023. Consequently, taking guidance from the judgment rendered by the Hon'ble Supreme Court in the case of "**Swarn Singh @ Baba" (supra)**, the present Criminal Miscellaneous Application No.305/2024 is allowed and S.B. Criminal Misc. Petition No.7837/2023 is dismissed.

(KULDEEP MATHUR),J