

RAJASTHAN HIGH COURT

सत्यमेव जयते

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

S.B. Criminal Miscellaneous Bail Application No. 8496/2026
CNR: RJHC010588312026 | URN: CRLMB / 18445U / 2026

Sanwarmal S/o Sohanram, Aged About 43 Years, Resident Of
Baijasar, Tehsil Sardarshaher, District Churu. Rajasthan .
(Presently Lodged At Dist Jail Churu)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Praveen Vyas
For Respondent(s)	:	Mr. Narendra Gehlot, PP with Mr. Omprakash Choudhary

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

23/07/2026

1. This instant application under Section 483 BNSS, 2023 is filed by the petitioner-applicant **Sanwarmal S/o Sohanram** seeking bail in respect of a criminal case registered as FIR No.113/2023 dated 05.03.2023 registered at P.S. Sardarshahar, District - Churu, for the offence under Sections 341, 323, 364, 302 & 143 IPC.
2. Learned counsel for the applicant submits that the applicant has falsely implicated in a concocted criminal case. He also submitted that the applicant may be arrested due to ulterior motive and to fulfill personal *vendetta* of complainant though there is no evidence against the applicant. He further submitted that the petitioner is a law abiding citizen having

no previous criminal antecedents, but he assures full cooperation with Investigating Agency.

3. Learned counsel for the applicant-accused while referring the bail order of Hariram and Licchu Ram and submitted that after considering the entire material on record, both were enlarged on bail. He submitted that the case of present applicant is identical with those, who were granted bail by this Hon'ble Court. He also submitted that complainant Shree Bhagwan has lodged a report on 05.03.2023 for incident of 04.03.2023 narrating himself as an eye witness and alleging that five persons has caused wrongful restraint and assaulted him and Surendra Kumar. He also submitted that the report further indicate that Nandlal ran away from the spot and Surendra Kumar was kidnapped and taken to some other place, where he was brutally assaulted. He also submitted that neither Shree Bhagwan nor Nand Lal are eye witness to the incident but they have deposed the incident as if they have witnessed the incident. He also submitted that a cross FIR No.111/2023 was also lodged by Surendra Kumar and Nandlal and in said cross report, there was no mention of Shree Bhagwan. He also submitted that complainant party was aggressor and due to aggressive assault by complainant party injured Surendra Kumar has sustained injuries.
4. Learned counsel has further referred the statement of witnesses recorded by the Trial Court and submitted that no specific injury was assigned to present applicant. He also referred the period of custody and submitted that present

applicant is in custody since March, 2023 and till date the trial has not been concluded. At last he submitted that there is a joint allegation against all, therefore, present applicant is entitled for bail.

5. Learned Public Prosecutor vehemently opposed the bail application and submitted that Lathi (stick) was recovered at the instance of present applicant, which was used in the incident by the applicant.
6. Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material placed on record by both the parties.
7. On 27.05.2026 we have considered submission of learned counsel for both the parties and allowed the bail application of Hariram and Licchu Ram observing as under:-

"Complainant Shribhagwan has lodged a report on 05.03.2023 about assault on his uncle Surendra @ Megharam by both the petitioners, Rajuram, Sanwarmal and wife of Ruparam resulting in death of Surendra @ Megharam. A cross FIR No.111/2023 was registered by Sanwarmal against Surendra Kumar and Nandlal on 04.03.2023. The police has found involvement of Surendra Kumar but after death of Surendra Kumar has submitted a closure report in FIR No.111/2023. In current FIR No.113/2023 police has investigated the matter and during investigation police has found that Shribhagwan is not an eye-witness and he has registered a report on the basis of exaggeration of facts. The police has also ruled out presence of Muniram @ Nandlal on the spot. The police story suggest that PW-4 Shribhagwan and PW-8 Muniram

are not eye-witnesses. The entire case rest upon circumstantial evidence.

The material also indicate that FIR No.274/2013 was registered at Police Station Sardarshahar which was registered against son of Bhagwanaram and Licchu Ram by accused party of present case. FIR No.212/2020 and 214/2020 were also registered by both the parties at Police Station Sardarshahar and there is animosity between the parties. The police has not recommended charge-sheet under Sections 364 and 143 of IPC rather police has forwarded a charge-sheet with the fact that Sanwarmal, Licchu Ram, Hariram to have assaulted Surendra when Surendra has entered into house of Hariram and assaulted mother of Hariram.

We have considered postmortem report of Surendra @ Megharam and also the statement of witnesses recorded so far including statement of PW-4 Shribhagwan and PW-8 Maniram. PW-5 Dr. Sawai Singh Sodha was examined by the prosecution to prove postmortem report of deceased Surendra Kumar. The allegation for involvement is made against all three persons including these petitioners. We have also considered the alleged threat as mentioned by learned counsel for the complainant."

8. Till date ten witnesses have been examined by the Trial Court though there is a difference in opinion about eye witness as Police story suggests that Shree Bhagwan (PW/4) and Munniram (PW/8) are not eye witness and the entire case rest upon circumstantial evidence. There is a cross FIR and we have considered the material as referred. Earlier two criminal cases were registered in the year 2020 by each other wherein Police has filed charge-sheet against both the

parties. Material clearly indicate that deceased was beaten by Lathi, Stick and iron rods. Present applicant is named as one of the main accused involved in the incident. Presence of applicant is also established from cross FIR No.111/2023 lodged by himself, thus, the case of present applicant is on different footing than accused Hariram and Licchu Ram.

9. Present applicant is in custody since his arrest i.e. on 11.03.2023. Recovery of Lathi has been effected at the instance of present applicant. Despite in custody for three years, trial has not concluded but considering the gravity of charge, applicant is not entitled for bail.
10. Considering the gravity of allegations and overall facts and circumstances of the case, it is appropriate to dismiss the bail application under Section 483 BNSS of the applicant accused at this stage.
11. Accordingly, the application for bail filed under Section 483 of BNSS preferred by **Sanwarmal S/o Sohanram** is hereby dismissed.
12. Since the applicant is in custody for last more than three years and three months, therefore, the Trial Court is directed to expedite the trial and tried to conclude the same within a period of one year from the date of receipt of certified copy of the order.
13. The Registry is directed to send a copy of this order to the Trial Court through E-mail.

(ASHOK KUMAR JAIN),J