



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



S.B. Criminal Miscellaneous Bail Application No. 8497/2025
CNR: RJHC010625052025 | URN: CRLMB / 17670U / 2025

Sadik Khan S/o Ramjan Khan, Aged About 30 Years, Resident Of
Mehlu, Police Station Gudamalani, District Barmer, Rajasthan.
(At Present Lodged In District Jail Barmer)

-----Petitioner

Versus

State Of Rajasthan, Through The Public Prosecutor.

-----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 9980/2025
CNR: RJHC010746592025 | URN: CRLMB / 20623U / 2025

1. Chuna Ram S/o Shankar, Aged About 38 Years, R/o Village Bhimthal, P.s. Dhorimmina, District Barmer. (Both Are Presently In Judicial Custody At District Jail, Barmer)
2. Dinesh S/o Kesha Ram, Aged About 40 Years, R/o Village Bhimthal, P.s. Dhorimmina, District Barmer. (Both Are Presently In Judicial Custody At District Jail, Barmer)

-----Petitioners

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Jagdish Singh Mr. Dharendra Singh Mr. Siddharth Karwasra
For Respondent(s)	:	Mr. Surendra Bishnoi, PP

HON'BLE MR. JUSTICE SANDEEP SHAH

Order

03/08/2026

1. The applicants have filed the present bail applications under Section 483 of BNSS being aggrieved against the order dated 03.06.2025 passed by the learned Additional Sessions Judge,



No.1, Barmer, Rajasthan in Criminal Miscellaneous Case No. 350/2025 "*Sadik Khan vs. State of Rajasthan*" and the order dated 07.08.2025 passed by learned Additional Sessions Judge, No.2, Barmer in Criminal Miscellaneous Case No.129/25 (595/2025) "*Chuna Ram & Anr. vs. State of Rajasthan*", whereby the bail applications filed by the accused-applicants under Section 483 of B.N.S.S. were rejected. The accused-applicants are behind the bars, pursuant to the F.I.R. No.177/2023 registered at Police Station Sadar Barmer, District Barmer, for the offences punishable under Sections 147, 148, 149, 323, 307, 302, 450 and 120-B of IPC.

2. Learned counsel for the applicant – Sadik Khan submits that, as far as the applicant Sadik Khan is concerned, he was neither named in the FIR nor was his name mentioned during the course of recording of statement under Section 161 Cr.P.C. (Section 180 BNSS). He further submits that the applicant has falsely been implicated and the observation made by the learned Trial Court with regard to the applicant evading arrest is without any basis as initially investigation was kept pending against the applicant under Section 173 Cr.P.C. (Section 193 BNSS). He further submits that similarly situated Bhera Ram and Banshi Ram have already been enlarged on bail by this Court vide order dated 21.02.2024 in S.B. Criminal Miscellaneous Bail Application No.1553/2024 "*Bhera Ram & Anr. vs. State of Rajasthan*".

3. Learned counsel appearing for the applicants - Chuna Ram and Dinesh submits that though they have been named in the FIR, however, no recovery of any weapon has been made from them



and no overt act has been assigned to them. He further asserts that PW-15 Anita, who is the eye-witness, even has refused to identify the applicants - Chuna Ram and Dinesh and also the co-applicant Sadik Khan, which fact has been admitted by her in her cross-examination. They, therefore, implore this Court to allow the present bail applications.

4. Per contra, learned Public Prosecutor opposes the bail applications and asserts that as far as applicant Sadik Khan is concerned, he was the owner of the vehicle in which the entire criminal conspiracy was hatched and the same has been recovered from him. He further submits that no recovery has been made from co-accused Chuna Ram and Dinesh, however, they have been named in the FIR itself. He is however not in a position to dispute the fact that similarly situated Bhera Ram and Banshi Ram have already been enlarged on bail by this Court on 21.02.2024.

5. Heard learned counsel for the applicants as well as the learned Public Prosecutor and perused the material available on record.

6. I have considered the arguments advanced by learned counsel for the parties. Having regard to the facts and circumstances of the case, as far as applicant - Sadik Khan is concerned, he has not at all been named in the FIR and neither the complainant Pata Ram had impleaded him in his statement recorded under Section 161 Cr.P.C. and though he had impleaded the applicant during his examination-in-chief, however, he did not remain firm on the name of the applicant during his cross-examination. As far as applicants Chuna Ram and Dinesh are



concerned, though they have been named in the FIR, however, the star eye-witness Anita, who was examined as PW-15 has neither identified them in the Court nor she had identified co-applicant Sadik Khan. Furthermore, considered the fact that no recovery has been effected from any of the applicants except for the vehicle, which admittedly is in ownership of the applicant Sadik Khan. The co-accused Bhera Ram and Banshi Ram have already been enlarged on bail by this Court on 21.02.2024 and that the case of the applicant Sadik Khan stands on a far better footing than those of Bhera Ram and Banshi Ram. Also considering the fact that the applicants are behind the bars for more than 1 year, this Court *prima facie* finds it to be a fit case to enlarge the accused-applicants on bail.

6. Thus, without expressing any opinion on merits/demerits of the case, this Court is inclined to enlarge the accused-applicants on bail.

7. Consequently, the bail applications under Section 483 B.N.S.S. are **allowed**. It is ordered that the accused-applicants; **(1) Sadik Khan S/o Ramjan Khan, (2) Chuna Ram S/o Shankar, and (3) Dinesh S/o Kesha Ram** arrested in connection with F.I.R. No.177/2023 registered at Police Station Sadar Barmer, District Barmer, shall be released on bail, if not wanted in any other case, provided each of them furnishes a personal bond of Rs.50,000/- and two sureties of Rs.25,000/- each, to the satisfaction of learned Trial Court, for their appearance before that Court on each & every date of hearing and whenever called upon to do so till completion of the trial.



8. It is further, made clear that findings recorded/observations made herein-above are for limited purposes of adjudication of bail applications and the same shall not prejudice the trial of the case in any manner.

(SANDEEP SHAH),J

2-3/charul Gakhar