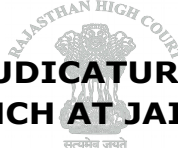




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous Third Bail Application No. 1890/2026
Siyakat S/o Nijardeen, R/o Kota Khurd, Police Station Ramgarh,
District Alwar, Rajasthan. (Presently Confined At Central Jail,
Alwar).

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Kapil Gupta
For Respondent(s)	:	Mr. M.S. Shekhawat, PP Mr. Amit Kumar Gupta, Additional G.A

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN
Order

13/03/2026

1. This third bail application under Section 483 of BNSS has been filed on behalf of the petitioner, who has been arrested in connection with FIR No.643/2023 registered at Police Station Ramgarh (Alwar), District Alwar for offences punishable under Sections 147, 148, 149, 307, 302, 341, 323, 506, 452, 504, 427 & 395 of the Indian Penal Code, (in short 'IPC') 1860 and Section 3/25 of the Arms Act, 1959 (Amendment 2019). After completion of investigation, police filed charge-sheet in this matter for offences punishable under Sections 147, 148, 149, 307, 302, 341, 323, 506, 504, 449 & 325 of the IPC and Sections 3/25 & 5/27 of the Arms Act, 1959 (Amendment 2019).

2. Learned counsel for the petitioner submits that the first bail application filed on behalf of the petitioner was dismissed as withdrawn by this Court vide order dated 03.12.2024 while giving liberty to renew the prayer for bail in changed circumstances. Thereafter, second bail application was filed on behalf of the



petitioner however, same was also dismissed as withdrawn by this Court vide order dated 30.06.2025 while giving liberty to renew the prayer for bail after recording testimony of all the injured witnesses. Counsel submits that, as of December 2025, only 12 out of 55 cited prosecution witnesses have been examined. He submits that the petitioner is behind the bars since 05.01.2024 and as such, he has already suffered incarceration of more than two years and two months. Thus, this third bail application has been filed on his behalf.

3. It is contended by learned counsel for the petitioner that the petitioner has falsely been implicated in this case. It is submitted that no specific allegation has been levelled against the petitioner of causing firearm injury on the person of the deceased and same has been attributed to the co-accused persons. He submits that though witness namely, Shermal has alleged in his examination-in-chief that Javed, Sube Khan, Liyakat and Sikayat had opened fire at the deceased, he categorically admitted during cross-examination that he had not mentioned this fact in the *Panchayatnama*. Counsel submits that the omission of such a material allegation in the *Panchayatnama* casts serious doubt on the credibility of the witness and renders his testimony unreliable. It is submitted that no firearm has been recovered from the possession of the petitioner. Further, similarly situated co-accused person namely, Sahil Khan S/o Jamrudeen has been granted facility of bail by Hon'ble Supreme Court. Counsel submits that there is minimal likelihood of the culmination of the trial in the near future and no fruitful purpose will be served by keeping the petitioner behind the bars.



4. Learned Public Prosecutor vehemently opposes the submissions advanced on behalf of the petitioner. It is submitted that apart from death of one person, 16 other persons sustained firearm injuries which shows that there was indiscriminate firing and it is well established from the testimony of the witnesses that petitioner was present at the place of incident and he actively participated in the commission of the crime. It is submitted that number of assailants were involved in the incident therefore, it is not possible for the witnesses to describe specific role of each and every assailant in their testimony. Further, apart from this case another case was registered against the petitioner wherein vide judgment dated 18.08.2017, he was convicted for offences punishable under Sections 323, 341, 336 and 427 of IPC.

5. I have considered the contentions.

6. Having regard to the totality of the facts and circumstances of the case and considering the arguments advanced by learned counsel for the parties, especially considering the material available on record in the form of charge-sheet, as also considering the fact that no firearm has been recovered from the possession of the petitioner, so also the fact that similarly situated co-accused person has been granted facility of bail by Hon'ble Supreme Court and there is minimal likelihood of the culmination of the trial in the near future as well as looking to the fact that the petitioner is behind the bars since 05.01.2024, but without commenting anything on the merits/demerits of the case, I deem it fit and proper to allow this third bail application.

7. This third bail application is accordingly allowed and it is



directed that accused-petitioner **Siyakat S/o Nijardeen** shall be released on bail provided he furnishes a personal bond in the sum of Rs.2,00,000/- (Rupees Two Lakh only) together with two sureties in the sum of Rs.1,00,000/- (Rupees One Lakh only) each to the satisfaction of the learned trial Court with the stipulation that he shall appear before that Court and any Court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

8. It is made clear that the accused-petitioner shall not involve in any other offence(s) during currency of the bail and he shall mark his presence in first week of every month in the concerned police station, till conclusion of the trial.

9. Concerned SHO shall enter attendance of the petitioner in the Roznamcha. In case the petitioner fails to mark his presence in the concerned police station, the concerned SHO is directed to immediately report the matter to the concerned Court in this regard.

10. If any breach of these conditions is reported or come to the notice of the Court, the same shall alone be a reason for the trial Court to cancel the bail granted to the petitioner by this Court.

11. Office is directed to send a copy of this order to the concerned SHO for necessary compliance.

12. The observations made hereinabove are only for decision of the bail application and would not have any impact on the trial of the case in any manner.

(ANIL KUMAR UPMAN),J