

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous 2nd Bail Application No. 6077/2026

Vikas Kumar Swami S/o Rohitash, Aged About 30 Years, R/o Swamiyon Ki Dhani, Tan Luhakana Kalan, Police Station Bhabru, District Kotputli-Behror (Raj.) (At Present Confined In Sub Jail Kotputli, District Kotputli-Behror (Raj.)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Vibhuti Bhushan Sharma with Ms. Anindya Gupta, Mr. Harshit Tiwari & Ms. Suman Kalal
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP Mr. Mahavir Singh Shekhawat for Mr. Harendra Singh

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

06/05/2026

1. This second application for bail filed under Section 483 of BNSS by the petitioners-accused **Vikas Kumar Swami S/o Rohitash** in FIR No.149/2024 dated 26.07.2024 registered at P.S. Bhabru, District Kotputli-Behror whereby the petitioner-accused has been charged under Sections 103(1) and 3(5) of BNS.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter and the investigation against him is complete and he is no more required in investigation. He further submits that there are no chance of fleeing of applicant accused from the jurisdiction of this Hon'ble Court. He also submits that the

applicant undertakes not to repeat offence and cooperate with trial, which will take time.

3. Learned counsel for petitioner submits that out of 28 witnesses listed in the charge-sheet, only 9 witnesses were examined and the pace of trial is too slow. He further submitted that the present petitioner was arrested on 01.10.2024 and till date the trial has not been concluded and he is in custody for last more than one and a half year. He also submitted that the petitioner is neither a resident of village where the incident took place nor he is having any interest in the field where the incident has allegedly taken place. He further submitted that the incident was in fact an accident arising out of a sudden action by deceased to escape from the field after committing theft of bottle guard. He further submitted that the friends of the deceased have admitted that deceased used to commit theft in the field and on fateful day he was indulged in the same act when he was stuck with barbed fence wherein electricity current was also flowing. He also submitted that the present petitioner is not having any interest in the field in question as he is not having any cultivation in the area. He also submitted that soon after the incident the polygraphic test was also conducted and after the test it has been opined that the answer given by Vikas Swami are found to be truthful. He further referred to cross-examination of PW-7 Kajormal Meena and submitted that he has not named present petitioner for any of the act leading to death of deceased.

4. Aforesaid contentions were opposed by learned counsel for complainant and learned public prosecutor. Learned counsel for complainant has placed reliance upon order dated 12.1.2026 in respect of second bail application of Pankaj Kumar Meena (co-accused). He further submitted that present petitioner was was a cultivator on the field of Pankaj Kumar, and having equal share in the crop.
5. Heard learned counsel for the parties and learned Public Prosecutor. Perused the material placed on record by both the parties.
6. First bail application of present petitioner was dismissed by this court on 07.8.2025, wherein we have specifically observed as under.:

"On basis of a report filed by by complainant Kajod Mal about murder of his grand son Mohit, a report was registered and after investigation, police has filed charge-sheet against both the petitioners-accused. After framing the charge, the trial Court has examined PW-1 Dr. Krishan Singh Shekhawat.

We have considered post-mortem report which indicate that cause of death is kept reserve. PW-1 in his opinion before the trial Court has indicated that probably cause of death fracture of hyoid bone and rupture of the trachea. He has further agreed to some suggestions put to him during cross-examination and we have considered all these suggestions.

Original post mortem report along with crime scene examination report is available on record and we have gone through the report. We have also considered polygraphy test conducted by police on both the accused. It is an admitted fact that the dead body of deceased was found near field of Pankaj Kumar where he was growing bottle gourd and to protect the crop he has installed electric fence system. As per counsel for the complainant, the house of deceased is few

meters away from accused, therefore, they are very well known to each other. This issue is subject matter of evidence. We have considered the entire material collected by police and also the information of both the petitioners-accused given under Section 23(2) of Evidence Act, 2023."

7. Thereafter, second bail application of Pankaj Kumar was filed and same was also dismissed on 12.01.2026, wherein we have observed as under:

"We have considered the statements of PW-1 Dr. Krishan Singh Shekhawat, PW-2 Dr. Ramesh Kumar Bharti, PW-3 Dr. Saroj, PW-5 Ramkishan, and PW-7 Kajodmal Meena. We have also considered the statements of other witnesses, namely PW-4 Anil Kumar, PW-6 Jagdish Prasad, and PW-8 Rakesh.

At this stage, it is not possible for us to express any opinion on the merits of the case, in particular the admissions in cross-examination and also the case of cause of death. The reason of death, as explained by PW-1 to PW-3 in their evidence, and also the PMR report Exhibit P-1, as prepared by them, along with other documents, as exhibited by PW-1, clearly reflect that the fracture of the hyoid and rupture of the trachea was the result of force."

8. Here in this case, we have considered polygraphic report and also the cross-examination of witnesses, in particular PW7. A report is referred during arguments which indicate that there is no agricultural land in the vicinity in the name of present petitioner, but present petitioner is named in the incident and same can only be a subject matter of trial. At this stage, the court has to consider whether sufficient ground exists for bail or not. We have also examined the evidence while considering the bail application of Pankaj Kumar.

9. We have again considered the evidence in respect of present petitioner. The material on record has been considered by this court for the purpose of grant of bail, and again on examination, it is sufficient to draw the conclusion that this is not a fit case to enlarge present petitioner on bail.
10. The facts and the material indicate that the alleged offence are of serious nature and role attributed to applicant is *prima facie* sufficient to consider complicity of applicant in the crime. Therefore, at this juncture, considering the evidence collected so far, this is not a fit case to enlarge the applicant accused on bail.
11. Considering the gravity of allegations and overall facts and circumstances of the case, it is appropriate to dismiss the bail application of the applicant accused at this stage.
12. Accordingly, the second application for bail filed under Section 483 of BNSS preferred by **Vikas Kumar Swami S/o Rohitash** is hereby dismissed.
13. The Trial Court is directed to expedite the trial and try to conclude as early as possible.
14. Office is directed to send a copy of the order through e-mail.

(ASHOK KUMAR JAIN),J