

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 2774/2026
URN: CRLMP / 6277U / 2026

- 1. Pyar Singh S/o Laxman Gurjar,
 - 2. Ramsingh S/o Ramjilal Gurjar,
 - 3. Laxman S/o Ramjilal Gurjar,
 - 4. Hemraj S/o Laxman Gurjar,
- All Resident Of Nayaganv, Police Station Kolwa, District Dausa.

----Petitioners

Versus

State Of Rajasthan, Through Public Prosecutor.

----Respondent

For Petitioner(s)	:	Mr. Umesh Vyas, Adv.
For Respondent(s)	:	Mr. Amit Punia, PP
For Complainant	:	Mr. GL Sharma, Adv. with Mr. Shankar Lal

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

07/07/2026

1. The present miscellaneous petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been preferred by the petitioners assailing the order dated 07.04.2026 passed by the learned Additional Sessions Judge No.1, Bandikui, District Dausa in Criminal Misc. Bail Application No.79/2026, whereby the bail bonds furnished by the petitioners before the Investigating Officer in connection with FIR No.80/2024 registered at Police Station Kolwa, District Dausa for offences under Sections 143, 323, 341 of IPC came to be cancelled.

2. Learned counsel for the petitioners submits that the alleged incident occurred on 08.04.2024 and the present FIR was filed after a delay of one day, without assigning any cogent reasons. The incident occurred out of a sudden quarrel between family members and a cross FIR was also lodged by the petitioners against the complainant. It is contended that during initial investigation, offences under Sections 341, 323, 325 read with 34 of IPC were made out against the petitioners which are bailable in nature and upon joining the investigation, the bail bonds of the petitioners were accepted by the Investigating Officer. Subsequently, upon further investigation, it was found that a non-bailable offence under Section 308 of IPC was also made out. It is submitted that the subsequent addition of offence under Section 308 IPC is not justified in the facts of the case as there was no intention or knowledge to commit culpable homicide, the injuries are not grievous rather simple in nature except for one injury caused to injured Vishram. It is also submitted that the learned Court below has failed to appreciate the material collected during investigation, the MLC report and injuries sustained by the injured, while cancelling the bail bonds, therefore, it is prayed that the impugned order deserves to be quashed and set aside. To buttress his contention, learned counsel has relied upon the judgment of Hon'ble Supreme Court in the case of **Satveer vs. State of Rajasthan, Criminal Appeal No.1021 of 2026**, decided on 18.02.2026.

3. Per contra, learned Public Prosecutor as well as learned counsel appearing for the complainant have opposed the

arguments advanced by the counsel for the petitioner. It is contended that the injured- Vishram sustained 4 injuries, out of which one was grievous in nature caused by blunt weapon and the injured- Hansraj has sustained 5 injuries, out of which one was caused on his head. Thereafter, as per the report furnished by the Medical Officer, it was revealed that the injured- Vishram has sustained 14 fractures upon his face and after considering the injuries sustained to the injured and subsequent addition of offence of Section 308 of IPC, the learned Sessions Court rightly appreciated the material available on record and cancelled the bail bonds of the petitioners and therefore, no case warranting exercise of power of this Court is made out.

4. I have considered the rival submissions and perused the material available on record.

5. Upon perusal of the record, it is revealed that initially the investigation officer was of the opinion that the injured has not sustained any grievous injury and only offenses under Sections 323, 341, 325/34 of IPC were made out, which are bailable offenses. Subsequently, when the injury report of injured Vishram was examined, it was found that he sustained 14 fractures on his face and therefore, offence under Section 308 of IPC was also added and thereafter an application under Section 483(3) of BNSS for cancellation of bail was filed by the Investigating officer. The learned Session Court after taking into account the entire facts and circumstances of the case and more particularly, the injuries suffered by the injured- Vishram and Hansraj on their vital parts

of body, consider it appropriate to cancel the bail bonds of the petitioners.

6. The case of **Satveer (Supra)** relied upon by learned counsel for the petitioners is clearly distinguishable on facts, as in that case the Hon'ble Supreme Court released the appellant after considering the length of custody without expressing any opinion on the nature of injuries. However, in the case at hand, the injured Vishram has sustained 14 fractures on his face, which reflects the nature of the assault and gravity of the offence, therefore the case of **Satveer (Supra)** has no application to the facts and circumstances of the present case.

7. It is trite law that the benefit of bail granted by the Investigating Officer to the accused persons deserves to be cancelled upon addition of graver and non-bailable offence during the course of investigation. The Co-ordinate bench of this Court in the case of **Abdul Gafoor Vs. State of Rajasthan, S.B. Criminal Misc. Petition No.1290/2012**, decided on 14.06.2012, held as under:-

"In view of the aforesaid, the settled position of law which emerges is that the benefit of bail granted to an accused under bailable offences, cannot continue and shall stand cancelled on addition of graver and non-bailable offence. In these circumstances, the order dated 24.10.2016 passed by the learned Additional Sessions Judge No. 19, Sanganer, Jaipur Metropolitan, rejecting the Criminal Misc. Application No.437/2016 seeking cancellation of bail to the accused-non-petitioners no.2 to 4 cannot be countenanced and deserves to be quashed."

8. Therefore, considering the aforesaid, this Court is of the considered opinion that the learned Court below has taken into consideration all the relevant material while passing the impugned order more particularly the injuries report of injured Vishram depicting 14 fractures on his face and has recorded cogent reasons for cancelling the bail bonds accepted by the Investigating Officer and merely because initially the Investigating Officer found bailable offences to be made out or that the petitioners had joined the investigation would not, by itself, entitle them to seek interference with the impugned order, once it is established by further investigation that offence under Section 308 IPC was found to be attracted. Hence, there exists no jurisdictional error, perversity or arbitrariness in the order dated 07.04.2026 warranting interference of this Court in exercise of powers under Section 528 BNSS.

9. Accordingly, the present Cr. Misc. Petition, being devoid of merit, is hereby dismissed.

10. Stay application and Pending application(s), if any, also stand disposed of.

(ANIL KUMAR UPMAN),J