

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous 2nd Bail Application No. 7436/2026
CNR: RJHC020445742026 | URN: CRLMB / 13542U / 2026

Dharmendra S/o Surendra, R/o House No. 565, Chitrakoot Colony, Near J.d.a. Flats, Mohan Nagar, Gaziabad, U.p. (At Present In District Jail, Dausa).

-----Petitioner

Versus

The State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Ved Prakash Sogarwal
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP Mr. Onkar Singh Rajpurohit, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

06/08/2026

1. This second bail application under Section 483 of BNSS is filed by the applicant-accused **Dharmendra son of Surendra** seeking bail in respect of a criminal case registered as FIR No. 34/2025 dated 10.02.2025 registered at P.S. Kolwa, District -Dausa, for the offence under Sections 103(1) and 238(a) of BNS, 2023.
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. The applicant does not have any criminal antecedents. He also submits that the

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

3. Learned counsel for petitioner submits that first bail application of present petitioner was dismissed on 25-8-2025 and present petitioner is in custody since his arrest on 22-2-2025. He also submitted that initially a charge sheet was filed against present petitioner, but police has kept investigation pending against other persons. He also submitted that now police has filed a supplementary charge sheet against Ram Sunder and Shweta, which clearly indicates that main accused was Ram Sunder @ Bittu Gaur. He referred the intimation given by accused Ram Sunder @ Bittu Gaur and further recovery effected from possession of Ram Sunder @ Bittu Gaur and submitted that the firearm and cartridges were recovered at the instance of Ram Sunder on 11-12-2025. He referred the material on record and submitted that a car has been recovered at the instance of present petitioner, but the evidence on record indicate that the car was driven to concerned police station from Ghaziabad and there is no material to indicate that the car was used in the incident. He also referred statement of PW-1 Jai Singh, PW-3 Kamlesh Kumar and submitted that their cross-examination is sufficient to discredit their bona fides. He also referred other material and submitted that nothing came on record to show and implicate present petitioner for alleged incident of murder.

4. Learned Public Prosecutor has vehemently opposed the bail application and submitted that the allegations are grave and serious in nature.
5. Heard learned counsel for the petitioner-accused and learned Public Prosecutor. Perused the material placed on record by both the parties.
6. First bail application of present petitioner was considered by this Court on 25-8-2025, wherein we have observed as under:

"On basis of recovery of a dead body on Link Road, Bandikui- Jaipur Express Way connecting to Delhi-Mumbai Express Way, a case is registered and during investigation police has found that deceased was Ashanand @ Pandey who was murdered on highway when he was accompanied by present applicant Dharmender and Ram Sunder. Ram Sunder has fired a shot upon him and then the body is thrown on highway. The motive behind murder is illicit relation between present applicant and Shweta @ Shilpi (wife of deceased)."
7. The status report received from the trial court indicate that present petitioner who was arrested on 22-2-2025 was forwarded to face trial by learned Judicial Magistrate and after committal of the case, total 8 witnesses were examined by the trial court as against 21 named by prosecution.
8. The police has kept pending investigation against Ram Sunder @ Bittu Gaur and Shweta while forwarding case of present petitioner. After arrest of Ram Sunder @ Bittu Gaur on 07-12-2025, the Police has recorded his information under Section 23(2) of BSA and further recovered a firearm which was used to murder Ashanand @ Pandey Sharma on 09.02.2025. Co-accused Shweta was arrested on 22-12-

2025 and a supplementary charge sheet against Ram Sunder @ Bittu Gaur and Shweta @ Shilpi, were filed. In supplementary chargesheet the allegation of firing is made upon Ram Sunder @ Bittu Gaur..

9. We have considered statement of 8 witnesses including PW-1 and PW-3 as referred by learned counsel for the petitioner during course of arguments. We have also considered statement of PW-8 Santosh Kumar who is brother of deceased Ashanand.
10. We have considered the police investigation in particular the reason behind murder of Ashanand @ Pandey Sharma. The material on record indicate that present petitioner was having love affair with wife of deceased Ashanand and to liquidate Ashanand, the petitioner has engaged Ram Sunder. The material on record clearly indicate that present petitioner is involved as a main accused in the incident. Hence, this is not a fit case to consider grant of bail on the ground that Ram Sunder has fired a shot upon deceased and firearm has been recovered from him. The incident is a cold-blooded and premeditated murder.
11. 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.

12. 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.
13. Accordingly, the second application for bail filed under Section 483 of BNSS preferred by **Dharmendra son of Surendra** is hereby dismissed.

(ASHOK KUMAR JAIN),J