



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



D.B. Criminal Appeal (DB) No. 472/2025

Rambeer Son of Shri Satyaveer, Resident of Sureti Pilaniya,
Police Station Sathnali, District Mahendragarh (Haryana)
Currently Judicial Custody.

(At present confined at High Security Jail Ajmer)

----Accused-Appellant

Versus

N.I.A., through the Special Public Prosecutor

----Respondent

For Appellant(s)	:	Mr. Mahendra Shandilya with Mr. Manish Kumar Meena
For Respondent(s)	:	Mr. Sneh Deep Khyaliya, Spl. P.P. for NIA assisted by Mr. Siddharth Sharma Mr. Himanshu Choudhary

**HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL
HON'BLE MR. JUSTICE BHUWAN GOYAL**

Judgment / Order

09/04/2026

This criminal appeal under Section 21 of the National Investigation Agency Act, 2008 is filed assailing the legality and validity of the order dated 03.09.2025 passed by the learned Special Judge (N.I.A. Cases), Rajasthan, Jaipur (for brevity "the learned trial Court") whereby, the Miscellaneous Bail Application No.55/2025, CIS No.09/2025 filed by the appellant under Section 483 of B.N.S.S., 2023 (Section 439 CrPC) was dismissed.

The relevant facts in brief are that during the course of investigation in the FIR No.0567/2023 pertaining to murder of Shri Sukhdev Singh Gogamedi - the National President, Shri Rashtriya Rajput Karni Sena Bharat and one of his colleague, the appellant



was arrested. After investigation, he was charge-sheeted under Sections 120-B, 118, 212 and 419 IPC. However, vide order dated 02.12.2025, the learned trial Court has framed charges against him under the aforesaid provisions of IPC as also under Section 18 of the Unlawful Activities (Prevention) Act, 1967 (for short "the Act of 1967"). As already observed, his bail application has been rejected by the learned trial Court vide order dated 03.09.2025, impugned herein.

Assailing the order dated 03.09.2025, learned counsel for the appellant, inviting attention of this Court towards the contents of the charge-sheet, would submit that there is not a whisper of allegation therein showing his involvement in the conspiracy to kill Shri Sukhdev Singh and his colleague since inception; rather, as per it, on 02.12.2023, plan of the co-accused to eliminate Shri Sukhdev Singh got changed on account of 03.12.2023 being the counting day of votes in Rajasthan Assembly Election whereafter only, he was called by the co-accused Nitin. He submits that the only allegation against him is of giving shelter to the co-accused Nitin for a day. He contended that they are childhood friends and in absence of any imputation that he had knowledge of the conspiracy hatched by the co-accused to eliminate Shri Sukhdev Singh, he could not have been implicated in the instant case with the aid of Section 120-B IPC merely on account of extending shelter to his old friend for a day. He, therefore, prays that the appeal be allowed, the order impugned dated 03.09.2025 be quashed and set aside and he be extended benefit of bail.

Per contra, learned Special Public Prosecutor for the respondent, inviting attention of this Court towards the provision



of Section 43D (5) of the Act of 1967, would submit that where a person is an accused of an offence either under Chapter IV or Chapter VI of the Act of 1967, he shall not be extended benefit of bail if the Court, on perusal of the case diary/report made under Section 173 of the Cr.P.C., is of the opinion that there are reasonable grounds for believing that the accusation against such person is *prima facie* true. He submits that in the instant case, vide order dated 02.12.2025, charges under various provisions of Indian Penal Code as also under Section 18 of the Act of 1967, which falls under the Chapter IV of the Act of 1967, have been framed against him and therefore, the appellant is not entitled for the benefit of bail. He, further, inviting attention of this Court towards the contents of the charge-sheet and the documents appended therewith, contended that there is strong evidence available on record to show his involvement in the conspiracy to commit murder of Shri Sukhdev Singh and his colleague. Learned Special Public Prosecutor also contended that the bail application of co-accused Pooja Saini alias Bittu has been dismissed by a coordinate Bench of this Court vide order dated 08.08.2025 in DB Criminal Appeal No. 60/2025 preferred by her which has been upheld by the Hon'ble Supreme Court of India while dismissing the Special Leave to Appeal (Crl.) No(s).19719/2025 vide order dated 16.02.2026. He contended that while the allegation against her was of giving shelter to the co-accused Nitin alongwith her husband in their house whereas, from the material on record, it is reflected that the present appellant has not only given shelter to the co-accused Nitin; but, has assisted him in commission of the crime and thereafter, in his elopement. He, therefore, prayed for



dismissal of the appeal. In support of his submissions, he relied upon the following judgments of the Hon'ble Supreme Court of India:-

(1) National Investigation Agency versus Zahoor Ahmad Shah Watali: (2019) 5 Supreme Court Cases 1.

(2) Gurwinder Singh versus State of Punjab and Another: 2024 SCC OnLine SC 109.

In rejoinder, learned counsel for the appellant asserted that the case of the co-accused Pooja Saini is distinguishable from his case inasmuch as the allegation against her was of providing accommodation and logistics to the co-accused in escaping after commission of offence.

Heard. Considered.

After investigation, the Investigating Agency has filed the charge-sheet against the appellant finding him to be a part of conspiracy to eliminate Shri Sukhdev Singh Gogamedi under the provisions of IPC. However, after appreciation of the evidence available on record, the learned trial Court has, vide its order dated 02.12.2025, framed charges against him, in addition to the provisions under the IPC, under Section 18 of the Act of 1967 as well. Section 18 of the Act of 1967 falls under Chapter IV and as per the provisions of Section 43D (5) of the Act of 1967, the Court shall dismiss the bail application of such an accused if, from the material on record contained in the case diary or in the charge-sheet, his *prima facie* involvement is established. Although, framing of charges itself proceeds on the premise of existence of strong *prima facie* case; but, Their Lordships have, in the cases of **National Investigation Agency** (supra) and **Gurwinder Singh**



(supra), held that despite framing of charges against him, if the accused is able to satisfy from the material presented alongwith the charge-sheet that no reasonable grounds for believing that the accusation against him is *prima facie* true, he is entitled for the benefit of bail.

In view thereof, we propose to examine the evidence available against the appellant in the charge-sheet. Indisputably, the appellant and co-accused Nitin; against whom there is an allegation of shooting down of Shri Sukhdev Singh, are childhood friends. The material in the charge-sheet reflects that on 02.12.2023, co-accused Nitin had called the appellant conspicuously, not from his mobile; but, through mobile phone of a vegetable seller Shri Giriraj Sharma. Thereafter, he again called the appellant on 03.12.2023 still using a mobile phone borrowing it from one auto rickshaw driver whereafter, the co-accused Nitin reached the appellant's rented place and they left for Hotel Jaiman. The appellant made available to the co-accused Nitin the Aadhar Card of Shri Sanjay Kumar to use it as fake ID proof to check in to the Hotel Jaiman. Shri Sanjay Kumar has, in his statement recorded under Section 161 Cr.P.C., stated that he had WhatsApped his Adhar Card to the appellant in the year 2021 to get its prints which might have been misused by him. It is also reflected that thereafter, the appellant, alongwith the co-accused Nitin, checked in to the Hotel Imperio again using his own Aadhar Card as also that of Shri Sanjay Kumar as fake ID. From the statement of protected witness "B.", it is shown that the appellant facilitated the co-accused Nitin in escaping after commission of the offence. In the conspectus of the aforesaid evidence, we are not



satisfied that the appellant has been able to establish that the charge-sheet does not contain enough evidence to show his *prima facie* involvement in the offence, entitling him of benefit of bail despite framing of the charges.

Further, it may be worthy to note here that a coordinate Bench of this Court has, vide order dated 08.08.2025, denied the co-accused Pooja Saini alias Bittu the benefit of bail while dismissing the DB Criminal Appeal No.60/2025 preferred by her which was upheld by the Hon'ble Supreme Court of India vide its order dated 16.02.2026. After examining the evidence available on record, we are not convinced that the case of the appellant is distinguishable from her case or is on better-footing. We do not find any allegation against her of providing logistics to the co-accused Nitin as claimed by the learned counsel for the appellant. Therefore, on the ground of parity also, the appellant is not entitled for the benefit of bail.

Accordingly, this appeal is dismissed.

(BHUWAN GOYAL),J

(MAHENDAR KUMAR GOYAL),J