

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Bail Cancellation Application No. 161/2025

Shankar Khandelwal S/o Shri Mohan Lal Khandelwal, R/o Shri Govind Kripa Build Mart Pvt. Ltd. Rana Pratap Nagar, Kalwar Road, Jaipur, Rajasthan.

----Complainant-Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Satya Narain Gupta S/o Late Shri Radhe Shyam Gupta, Aged About 60 Years, R/o 01-E-19, Shiv Shakti Colony, Shastri Nagar Jaipur, Presently Residing At Plot No. 364, James Colony, Sector No. 3, Vidyadhar Nagar, Jaipur. (At Present Lodged In Central Jail, Jaipur).

----Respondents

For Petitioner(s)	:	Mr. V.R. Bajwa, Sr. Adv., assisted by Mr. Amar Kumar Mr. Dinesh Kumar Garg
For Respondent(s)	:	Mr. Sawdeep Singh Hora Mr. Rajesh Mehrishi Mr. Naresh Kumar Sejvani Mr. Kunal Sharma Mr. Rajesh Choudhary-GA-cum-AAG with Mr. Jitendra Singh Rathore, Addl.G.A. Ms. Neha Goyal Mr. Alok Kumar, ACP, Jhotwara Mr. Suresh Singh, C.I. P.S. Kalwar

HON'BLE MR. JUSTICE INDERJEET SINGH

Order

25/03/2026

1. This criminal bail cancellation application under Section 483(3) of BNSS has been filed against the order dated 24.10.2025 passed by learned Additional District and Sessions Judge No.9, Jaipur Metropolitan-II, Jaipur (hereinafter to be referred as "The learned Court below) on behalf of the applicant-complainant in

connection with FIR No.166/2025 registered at Police Station Kalwar Jaipur (West) for the offences under Sections 318(4), 338, 336(3), 340(2), 329(3), 62 and 61(2) of BNS, 2023.

2. Learned Senior Counsel for the applicant-complainant submits that the learned Court below has erred in granting anticipatory bail to the accused-respondent No.2 and also failed to properly appreciate the material facts on record. He further submits that as many as 94 criminal cases have been registered against the accused-respondent No. 2, out of which, 8 cases are pending trial and 21 cases are under investigation, which clearly demonstrates his criminal antecedents and habitual involvement in similar offences. He further submits that in the present matter, the investigation is still going-on, and the police has yet to recover the forged "*pattas*" allegedly issued by the accused-respondent No. 2, therefore, grant of anticipatory bail at this stage may adversely affect the ongoing investigation. He further submits that the criminal cases have been registered against the accused-respondent No. 2 in almost every police station of Jaipur City, and he has been declared a history-sheeter. Lastly, prayed that the anticipatory bail granted to the accused-respondent No. 2 by the learned Court below vide order dated 24.10.2025 be cancelled.

3. Learned counsel for the accused-respondent No. 2 submits that the learned Court below has rightly granted anticipatory bail, and the same does not call for any interference by this Court. He further submits that a bare reading of the FIR does not disclose the commission of any cognizable offence against the accused-respondent No. 2. He further submits that the dispute between the parties is of civil nature, arising out of contractual

agreement. He further submits that the learned Court below has duly considered all the relevant facts and circumstances while granting anticipatory bail, and no illegality or perversity can be attributed to the said order. Lastly, prayed that the present application for cancellation of bail be dismissed.

4. Learned Government Advocate-cum-Additional Advocate General submits that the anticipatory bail has wrongly been granted by the learned Court below.

5. Heard learned counsel for the parties and perused the record.

6. The Hon'ble Supreme Court in the matter of **Rakesh Mittal Vs. Ajay Pal Gupta @ Sonu Chaudhary and Anr.**, reported in **2026 INSC 161**, in paras No.20, 21 & 22 held as under:-

"20. In the case on hand, the investigation against respondent No.1, as is borne out by the counter affidavit filed by the State, clearly demonstrates that he is a habitual offender. The number of diverse and unconnected aliases, fake IDs and the deliberate changes of identity, including his father's name, clearly manifest his nefarious intention to dupe innocent victims and cheat them.

21. Further, the fact that respondent No.1 was granted bail earlier but chose to indulge in the same activities once again, resulting in the registration of multiple FIRs over the years, demonstrates that he is a career criminal and a menace to society. The impugned order reflects that his past antecedents were not even taken into

consideration. Similarly, his conduct in the context of the pending case was not noted. Having secured bail in relation to FIR No.229 of 2017, respondent No.1 chose to abscond, resulting in issuance of a non-bailable warrant, which also brought to light the fact that his surety was not to be found.

22. In such circumstances, the High Court ought not to have blindly extended the parity principle to him without considering the particular and distinctive features of his individual case. Given the fact that respondent No.1 has not turned over a new leaf, despite the indulgence shown by grant of bail in relation to FIR No.229 of 2017, as evidenced by the FIRs registered against him over the years, we are of the opinion that letting him loose on society would only pose a risk and hazard to others."

7. Considering the submissions advanced by the learned counsel for the parties and taking into account the facts and circumstances of the present case and also considering the facts that the accused-respondent No.2 is a habitual offender against whom almost in each and every police station of Jaipur City, various criminal cases are registered; in the present matter, the investigation is still going on; the accused-respondent No.2 is a history-sheeter and in view of the judgment passed by the Hon'ble Supreme Court in the matter of **Rakesh Mittal (supra)**, in my considered view, the anticipatory bail has wrongly been granted by the learned Court below.

8. Hence, the present Criminal Bail Cancellation Application stands allowed. The order dated 24.10.2025 passed by the

learned Court below in Anticipatory Bail Application No.234/2025 (C.I.S No.2695/2025) is hereby set-aside and the anticipatory bail stands cancelled. As informed by the learned Government Advocate-cum-Additional Advocate General that the accused-respondent No.2 is already in custody in another matter. The learned Court below is directed to take necessary steps in accordance with law.

(INDERJEET SINGH),J

Upendra Pratap Singh /2