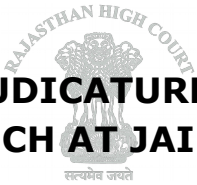




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous 3rd Bail Application No. 8756/2026
CNR: RJHC020524982026 | URN: CRLMB / 16044U / 2026

Lekhraj S/o Shri Bhagwan Singh, Village Gram Ganeshpura,
Tehsil Beawar, District Beawar (Presently Lodged In District Jail,
Beawar).



-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s) : Mr. Sudhir Jain
For Respondent(s) : Mr. Onkar Singh Rajpurohit, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

03/08/2026

1. This third bail application under Section 483 of BNSS is filed by the applicant-accused **Lekhraj S/o Shri Bhagwan Singh** seeking bail in respect of a criminal case registered as FIR No.163/2023 dated 13.02.2023 registered at P.S. Beawar City District - Ajmer, for the offence under Sections 302, 120-B and 34 of IPC.
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 the entire case rests upon testimony of PW-8 Kishan Singh, and on earlier occasion when the bail application of present petitioner was considered, the statement of Kishan Singh were not concluded, and now the cross-examination of Kishan Singh has been completed, and he clearly denied from witnessing the incident. He also submits that police has collected CCTV footage and certificate under Section 65-B of Evidence Act, but the subscriber of certificate PW-3 has denied from issuing any such certificate. He also submitted that even the parents of deceased PW-1 and PW-2 have not supported the case of prosecution, and all other eyewitnesses have turned hostile. He further submits that present petitioner is in custody since his arrest on 14.05.2023, and still pace of trial is slow and till date 28 witnesses were examined by the trial court.
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 dismissed on 20.04.2024, wherein we have observed as under:

"A perusal of record indicated that on the basis of a written report dated 13.02.2023 by Vijay Singh, an FIR No. 163/2023 under Sections 302, 120-B and 34 IPC was registered at P.S. Beawer City, District - Ajmer, wherein after investigation, Police has filed charge-sheet against Bharat Singh @ Kalu and Karan under Section 302/34



IPC, but kept investigation pending against absconder-accused Lekhraj, CCL Juvenile T @ S and Harshvardhan Singh @ Rahul under Section 173(8) Cr.P.C. Thereafter, present petitioner was arrested and Test Identification Parade was conducted from Kishan Singh and a supplementary charge-sheet was filed against present petitioner-accused Lekhraj.

A perusal of record clearly indicated that in the FIR, the present petitioner Lekhraj was named as main assailant. Further, the Test Identification Parade ('TIP') was conducted from Kishan Singh. Till now, complainant Vijay Singh and his wife Mohani Devi were examined by the prosecution. Initially, present petitioner was absconding and he was arrested after filing of main charge-sheet on 14.05.2023.

A perusal of record indicated that accused Harshvardhan Singh @ Rahul, Karan, Bharat Singh @ Kalu and CCL Juvenile T @ S were already released on bail by this Court, but the case of the petitioner is different from other accused, who were released on bail. The object used to assault the deceased was recovered at the instance of present petitioner Lekhraj and main allegation is upon the petitioner. A perusal of charge-sheet, attached in other files, indicate that there are other witnesses, yet to be examined by the prosecution, besides PW-1 and PW-2."

7. Thereafter, the second bail application of present petitioner was considered on 20.02.2025, and we have considered the subsequent events and observed as under:

"Record clearly indicated that the present petitioner was named as main accused in FIR and this petitioner was identified during test identification parade. We have gone through the statements of witnesses PW-1 Vijay Singh, PW-2 Mohni Devi, PW-3 Vivek Kumawat, PW-4 Harpal Singh, PW-5 Rahul Udaynia, PW-6 Rakesh Jaipal. PW-5 Rahul Udaynia, PW-6 Rakesh Jaipal were declared hostile by prosecution as they have not supported the case of prosecution. Still there are witnesses required to be examined by prosecution."





8. The parents of deceased were examined as PW-1 and PW-2, whereas the person who provided CCTV footage to police has been examined as PW-3. The star witness of the case has been examined as PW-8, and learned counsel for petitioner has relied upon cross-examination of PW-8.

9. The material on record and submission of the counsel indicate that till date 28 witnesses have been examined out of 34 witnesses listed by prosecution in the charge sheet. In examination-in-chief, PW-8 Kishan Singh has deposed in favor of prosecution, but in cross-examination he has denied to witness the incident. After denial, the counsel has claimed he is not an eye witness to the incident. There is no criminal antecedent against the petitioner, and petitioner who was initially absconded was later arrested, and after test identification parade, a charge sheet has been filed against him, and he is in custody since his arrest on 14.05.2023.

10. Upon hearing the arguments and perusing the record, we have found that the applicant-accused is no more required in the investigation and he is in custody for quite some time. The further proceedings will take its own time, therefore, looking to entirety of facts and circumstances of the case and without expressing any opinion on merits of the case, the Court deems it appropriate to grant bail to the applicant-accused.

11. Thus, the instant bail application filed on behalf of applicant-accused **Lekhraj S/o Shri Bhagwan Singh**, is hereby allowed and the applicant-accused is ordered to be released on bail upon furnishing a personal bond of



₹50,000/- with two sureties of like amount to the satisfaction of the Trial Court with the following conditions:-

- (i) The applicant-accused shall not tamper with evidence or influence the witness in any manner.
- (ii) The applicant-accused shall not indulge in any criminal activity and shall not repeat any criminal offence punishable under the Law.
- (iii) The applicant-accused shall attend the hearing of the Trial Court on the date fixed by the Trial court or as and when asked to appear before the Trial Court.
- (iv) In case of any violation of above conditions, the bail granted to the applicant-accused shall be liable to be canceled.

12. The Registry is directed to send a copy of this order to the Trial Court through E-mail.

13. Before parting the order, it is appropriate to observe the conduct of the trial court as well as the prosecution in the instant case. The material clearly indicate that examination-in-chief of PW-8 Kishan Singh was recorded on 02.09.2024, but his cross-examination was deferred due to identification of accused to be conducted by prosecution during trial before the Court, as two accused Tarun @ Sanju and Bharat were absent on 02.09.2024. The trial court has deferred the statement of Kishan Singh only on the ground, that both accused were absent. Again on 06.04.2026, when PW-8 was present to complete remaining statement, even at that time Tarun @ Sanju and Bharat were not present, and the counsel





has pleaded no objection, and on his no objection the examination-in-chief was completed.

14. The examination-in-chief of PW-8 was recorded on 02.09.2024, whereas cross-examination was completed on 06.04.2026. The witness has changed his statement on 06.04.2026 and denied the important fact that he is an eyewitness. The witness has admitted that he was present at any other place rather than the crime scene. After this statement and cross-examination, the trial court as well as prosecution are required to confront the examination-in-chief recorded on 02.09.2024 so as to test the *bona fide* and veracity of the statement made by PW-8. The prosecutor has even not bothered to declare PW-8 as hostile and re-examine and cross-examine on the issue, after cross-examination on 06.04.2026. The trial court was also empowered to ask question(s) so as to clarify the circumstances as arisen in the case.

15. The conduct clearly indicates that the trial court has adjourned the matter on 02.09.2024 without applying its own mind and that too in a very liberal and casual manner. The statement of PW-8, who is the star witness of the case, could only be completed on 06.04.2026, and the period between recording of examination-in-chief and cross-examination was sufficient to win over the witness. This again clearly indicate systematic fraud played with the criminal justice system, and all are involved in fraud with the system. Now, no one is there to protect the system when the



persons in helms of affairs are indulged in destroying the system.

16. The Registrar (Vigilance) is directed to inquire into the affairs of the trial court, in particular for delay caused in recording statement of PW-8. The report be placed before this court. Similarly, the Principal Secretary, Law and Legal Affairs, is directed to call an explanation from the Additional Public Prosecutor posted in said court, and after inquiry, submit the report to this court within four weeks for further action.
17. Office is directed to dispose of the bail application from number and list it only for compliance.

(ASHOK KUMAR JAIN),J

3/CHETNA BEHRANI