



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



S.B. Criminal Miscellaneous Bail Application No. 9299/2026
CNR: RJHC020568262026 | URN: CRLMB / 17064U / 2026

Dhansingh @ Dhansa @ Dhanupratap Singh S/o Late Gajraj Singh, Aged About 46 Years, R/o Village Peeproli, Police Station Sarana, District Ajmer (Raj.). (Presently Confined At Sub Jail Kekri, District Ajmer)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s) : Mr. Gurpreet Singh Sodhi
For Respondent(s) : Mr. N.S. Dhakar, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

REPORTABLE

08/10/2026

1. This bail application has been filed under Section 483 of BNSS, on behalf of the petitioner, who has been arrested in connection with FIR No.102/2025 registered at Police Station Sarana, District Ajmer for offences punishable under Section 3/25 of Arms Act, 1959 (Amendment 2019) Act and Section 9B of Explosive Act, 1884. After completion of investigation, police filed charge-sheet in this case for offences under Section 3/25 & 5/25(7)(i) of the Arms Act, 1959 (Amendment 2019), Section 9B of Explosive Act, 1884 and Section 111(2)(b) of the Bharatiya Nyaya Sanhita, (in short 'BNS') 2023.
2. It is contended by learned counsel for the petitioner that the petitioner has falsely been implicated in this case. It is contended



that false recovery of firearm has been shown to be made from the possession of the petitioner. It is submitted that the place from which the alleged recovery of the firearm was made is neither in the possession nor in the ownership of the petitioner. Counsel submits that the petitioner has been booked in this case solely on the basis of the fact that 52 other criminal cases have been registered against him. It is contended that out of 52 cases, petitioner has been acquitted in 26 cases. It is an admitted position that no independent witness was associated during the search and seizure proceedings. Counsel further submits that association of the independent witnesses contemplated under Section 103 of the BNSS (Corresponding to Section 100 of Cr.P.C) is not a mere formality and concerned officer is required to make all endeavour to associate the independent witnesses from the same vicinity. He cannot escape from his obligation merely by saying that a person refused to become an independent witness and if any person refuses to become a witness, his name should be recorded and proper action should be initiated against him for disobeying the order of the public servant. It is submitted that the maximum punishment for the alleged offence is 7 years. It is submitted that till date, not a single witness has been examined thus, trial is likely to take considerable time in its conclusion. It is submitted that the petitioner is in custody since 02.11.2025 and his further custody would not serve any fruitful purpose. Counsel further submits that the petitioner is ready to abide by all the conditions imposed by this Court.





3. Per contra, learned Public Prosecutor vehemently opposes the submissions advanced on behalf of the petitioner and submits that the petitioner is a habitual offender as 52 other criminal cases have been registered against him. Thus, looking to the nature of allegations, benefit of bail may not be extended to him.

4. I have considered the submissions advanced at bar and perused the material available on record.

5. The moot question that falls for consideration before this Court is whether the mere existence of other criminal cases previously registered against an accuse, can, in itself, constitute a sufficient ground for denial of bail.

6. In catena of the judgments Hon'ble Supreme Court has held that the existence of previous criminal cases, by itself, does not constitute an absolute or inflexible ground for declining bail. It is emphasized that the question of bail must be determined by balancing the relevant factors, including the nature of the accusation, the nature of evidence available, likelihood of his absconding, tampering with the prosecution evidence, influencing or intimidating the witnesses, final outcome of previously registered cases, and the necessity of further detention. Criminal antecedents may certainly be taken into account however, they must be assessed in conjunction with the other relevant circumstances and cannot automatically operate as a disqualification from being considered for bail. These considerations assume particular significance in ensuring that the decision on bail is based on the requirements of justice and the facts of the individual case, rather than being influenced solely by



the petitioner's antecedents. Accordingly, it becomes imperative for the Court to examine the specific role attributed to the petitioner in the present case, the nature and gravity of the allegations, the quality and prima facie strength of the material collected against him, the period for which he has remained in custody and the maximum sentence for offence alleged in case of conviction.

7. Adverting to the facts and circumstances of the present case, it is true that as many as 52 criminal cases have been registered against the petitioner. However, it is equally significant that the petitioner has been acquitted in half of those cases. Such acquittals cannot be overlooked while considering the cumulative effect of the petitioner's criminal antecedents. Furthermore, several of the remaining cases are stated to be of a relatively trivial nature. Therefore, the mere number of criminal cases registered against the petitioner, or the pendency thereof, cannot, by itself, be treated as a conclusive ground for denying him the concession of bail, without considering the nature of the allegations and the overall circumstances of the case. It is also evident from the record that the petitioner has remained in judicial custody for more than eleven months, whereas the prosecution evidence has not commenced till date. Having regard to the fact that the maximum punishment prescribed under the relevant statutory provisions for the alleged offences is seven years of imprisonment, the prolonged incarceration of the petitioner, coupled with the present stage of the trial, assumes significance while considering his prayer for bail.



8. Another relevant circumstance is that no document or material has been placed on record, at this stage, to prima facie establish that the petitioner was the owner, occupier, or otherwise in possession of the premises from where the alleged recovery of firearm was made. This aspect is also a relevant consideration for the limited purpose of examining the petitioner's entitlement to bail. Moreover, it seems that the witnesses for the prosecution are predominantly police officers, and considering the facts and circumstances of the case, there is nothing on record before this Court which suggests that the petitioner will be in a position to influence or threaten them if he gets bail.

9. At the same time, this Court is conscious of the settled principle of law that, while considering an application for bail, it is not required to undertake a detailed examination of the prosecution evidence or to record any definitive finding regarding the guilt or innocence of the accused. Any observation made herein is confined strictly to the consideration of the present bail application and shall not be construed as an expression of opinion on the merits of the case. The questions relating to the credibility of witnesses, the evidentiary value of the material collected during investigation, and the ultimate culpability of the petitioner are matters to be considered by the learned Trial Court at the appropriate stage, uninfluenced by any observation made in this order.

10. In view of the above discussions, this Court is of the view that the petitioner deserves to be released on bail on stringent conditions. This bail application is accordingly allowed and it is



directed that accused-petitioner- **Dhansingh @ Dhansa @ Dhanupratap Singh S/o Late Gajraj Singh**, shall be released on bail provided he furnishes a personal bond in the sum of Rs.5,00,000/- (Rupees Five Lakh Only) together with two sureties in the sum of Rs.2,50,000/- (Rupees Two Lakh Fifty Thousand Only) each to the satisfaction of the learned trial Court with the stipulation that he shall appear before that Court and any Court to which the matter is transferred, on all subsequent dates of hearing and as and when called upon to do so.

11. Considering the criminal antecedents of the accused-petitioner, it is made clear that the accused-petitioner shall not involve in any other offence(s) during currency of the bail and he shall mark his presence every week in the concerned police station, till conclusion of the trial. He shall also surrender his passport (if any) to the trial court. It is further directed that petitioner shall share his mobile number (in use) to the trial Court and investigating agency and shall keep his mobile phone in active mode and may not switch it off for a longer period intentionally.

12. Concerned SHO shall enter attendance of the petitioner in the Roznamcha. In case the petitioner fails to mark his presence in the concerned police station, the concerned SHO is directed to immediately report the matter to the concerned Court in this regard.

13. If any breach of these conditions is reported or come to the notice of the Court, the same shall alone be a reason for the trial court to cancel the bail granted to him by this Court.

14. Office is directed to send a copy of this order to the





concerned SHO for necessary compliance.

15. The observations made hereinabove are only for decision of the bail application and would not have any impact on the trial of the case in any manner.



20/CHARU SONI

(ANIL KUMAR UPMAN),J