



RAJASTHAN HIGH COURT

HIGH COURT OF JUDICATURE FOR RAJASTHAN

BENCH AT JAIPUR



S.B. Criminal Bail Cancellation Application No. 88/2026
CNR: RJHC020520212026 | URN: CRLBC / 118U / 2026

Navin Choudhary S/o Vijendra Singh, Aged About 41 Years, R/o Plot No. 21, Girdhar Colony, Sikar Road, Murlipura, Jaipur (West) Rajasthan.



----Complainant/Petitioner

Versus

1. State Of Rajasthan, Through PP
-Non-Petitioner
2. Satyanarayan Gupta S/o Late Radheshyam Gupta, Aged About 59 Years, R/o 1-E-19, Shiv Shakti Colony, Shastri Nagar, Jaipur, Rajasthan, At Present R/o 364, Jems Colony, Sector-3, Vidhyadhar Nagar, Jaipur, Rajasthan.

----Accused/Respondent

For Petitioner(s) : Mr. Vijay Kumar Jangid via VC
For Respondent(s) : Mr. Jitendra Singh Rathore, PP
Mr. Rajesh Maharshi, Adv.
Mr. Devanshu Saini, Adv.
Ms. Vaishnavi Pareek, Adv.

HON'BLE MR. JUSTICE FARJAND ALI

Order

Reportable

1	Arguments concluded on	17.09.2026
2	Judgment reserved on	17.09.2026
3	Full order or operative part order	full order
4	Pronounced on	25.09.2026

1. The jurisdiction of this Court has been invoked by way of filing a bail cancellation application under Section 483 (3) BNSS at the instance of complainant-petitioner. The requisite details of the matter are tabulated herein below:

S.No.	Particulars of the Case	
1.	FIR Number	404/2025
2.	Concerned Police Station	Murlipura



3.	District	Jaipur
4.	Offences alleged in the FIR	318(4), 316(2), 338, 336(3), 340(2), 61(2)(a) of BNS
5.	Offences added, if any	
6.	Date of passing of impugned order	24.10.2025

2. Shorn of unnecessary details, the facts giving rise to the instant application for cancellation of bail are that, based on a complaint lodged at the instance of the petitioner, an FIR was registered for the offence of cheating, etc., and the investigation was underway. Apprehending arrest in the said case, the accused-respondent moved an application seeking pre-arrest bail. Pursuant to the impugned order dated 24.10.2025, the learned Additional Sessions Judge granted bail; hence, the present application.

3. It is the stance of the petitioner that the act committed by the accused-respondent in connivance with the other accused persons is not only serious and unlawful but also clearly reflects a premeditated design. The learned Sessions Judge has not appreciated the facts and circumstances of the case or considered the material available on record. Therefore, the concession of pre-arrest bail granted in his favour deserves to be set aside.

4. On the contrary, learned counsel for the State and learned counsel for the accused-respondents have jointly defended the order passed by the learned Sessions Judge.

5. I have heard learned counsel for the parties and gone through the niceties of the case.

6. After having gone through the niceties of the matter and having bestowed my thoughtful consideration upon the facts of the



case and the determination made by the learned Sessions Judge, I am of the view that due consideration has been accorded by the learned Sessions Judge to the facts narrated in the FIR and the other material available on record. Thus, the legal as well as factual aspects of the matter have been duly considered. The submissions advanced by learned counsel for the accused, learned counsel for the complainant as well as learned counsel for the State were not only recorded but duly appreciated. The grounds raised before this Court were also raised before the learned Sessions Judge and were duly and adequately considered.

6.1 Furthermore, the impugned order manifests that the report prepared by the mediator, former Chief Justice Dr. Vinit Kothari, was in favour of the petitioner. The arbitration proceedings also culminated in favour of the petitioner. The JDA and the NCLT have likewise decided the matter in favour of the petitioner, with a specific finding that no cheating was committed.

6.2 The fact that the FIR was lodged after a period of fifteen years from the alleged occurrence, without any satisfactory explanation for such inordinate delay, was also duly considered. It was specifically mentioned in the impugned order that the factual report submitted by the police did not reflect the commission of the offences of fabrication of false documents and cheating by the accused-respondent.

6.3 With regard to the antecedents of the accused and the disposal of several criminal cases, a specific finding has been recorded, viz., that negative final reports were filed in 30 cases, proceedings in 14 cases were quashed by this Court, and one FIR



was quashed by the High Court in exercise of its extraordinary jurisdiction.

7. Suffice it to say that the plea of the petitioner that the learned Sessions Judge failed to consider the legal and factual aspects of the matter is not tenable. This Court is of the view that due appreciation of the facts and circumstances was undertaken by the learned Sessions Judge while passing the impugned order. The jurisdiction and discretion available under Section 482 of the BNSS to the Court of Sessions are concurrent with those of this Court, and the powers are at par.

7.1 This Court is not supposed to examine a plea for cancellation of bail as though sitting in appeal over the order passed by the learned Sessions Judge. It is a well-settled principle of law that the parameters to be considered while entertaining a fresh bail application and the grounds to be taken into consideration while examining a plea for cancellation of bail are entirely different and distinct.

8. Reliance can be placed on the judgment passed by Hon'ble the Supreme Court in ***Bhagirath Singh Judeja v. State of Gujarat***; reported in 1984 AIR 372. Through a plethora of judicial pronouncements, Hon'ble the Supreme Court has reiterated the aforesaid principle. It has been propounded that the jurisdiction to grant bail must be exercised on the basis of well-settled principles, having regard to the circumstances of each particular case.

8.1 While extending the benefit of bail or anticipatory bail, the Court has to keep in mind the nature of the accusations, the severity of the punishment which may be inflicted in the event of



conviction, the character and antecedents of the accused, his means and standing in society, the circumstances peculiar to the accused, and the reasonable apprehension of witnesses being tampered with. It has also been propounded that the discretion relating to bail must be exercised in a judicious manner and not as a matter of course. It may not be necessary to undertake a detailed examination of the evidence and documents on merits at this stage; however, there is a need to indicate reasons for arriving at a prima facie conclusion as to why bail has been granted, though detailed reasons are primarily required in cases where the accused is charged with having committed a serious offence.

9. In the present case, the learned Sessions Judge has minutely considered all the legal and factual aspects of the matter. The existence of a prima facie case in favour of the prosecution, the defence available to the accused, and the findings recorded by certain legal forums in his favour were all considerations taken into account while passing the impugned order. It would be worthwhile to mention here that the case pertains to offences which are exclusively triable by a Court of Magistrate. The accusations narrated in the FIR do not carry punishment of imprisonment for life or death. There was substance in the submission of the accused-respondent that an inordinate delay had occurred in lodging the FIR without furnishing any reasonable explanation therefor, the submission that a delayed FIR, particularly after the matter had been agitated before other forums, may give rise to an apprehension of exaggeration, false implication or embellishment, also cannot be said to be wholly without substance.



10. Be that as it may, this Court is not inclined to record any definitive finding on the merits of the case and deliberately refrains from doing so, as any finding on the factual aspects of the case at this nascent stage of the criminal proceedings may have an adverse bearing upon the trial. However, this Court is firm in its view that the discretion available to the learned Sessions Judge was not only exercised judiciously but also prudently and cautiously.

11. The judgment relied upon by learned counsel for the petitioner in ***Sunil Kallani v. State of Rajasthan*** (S.B. Criminal Misc. Bail Application No. 9155/2019), decided on 25.10.2021, was primarily rendered on the factual situation obtaining in that particular case. The principles laid down by Hon'ble the Supreme Court in ***State Through CBI v. Amaramani Tripathi***, decided on 26.09.2005 in Appeal (Crl.) No. 1248/2005 reported in (2005) 8 SCC 21 and in ***Prahlad Singh Bhati v. NCT Delhi and Ors.*** reported in 2001 (4) SCC 280, and ***State of Karnataka v. Sri Darshan ETC***, Criminal Appeal Nos. 3528-3534 of 2025 (Arising from SLP (Crl.) Nos. 516-522 of 2025) decided on 14.08.2025, hold the field in this regard.

12. In view of the discussion made above, I do not deem it appropriate to interfere with the bail granted by the learned Sessions Judge.

13. No case for interference is made out.

14. Accordingly, the bail cancellation application is dismissed.

(FARJAND ALI),J

CHANDAN/