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

S.B. Criminal Miscellaneous 4th Bail Application No. 17404/2026
CNR: RJHC021060732026 | URN: CRLMB / 31998U / 2026

Rajasthan High Court
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Ramswaroop Son Of Shri Ramnarayan, Aged About 50 Years, Resident Of Khatipura Sanganer, Police Station Muhana, Jaipur South. (At Present Confined In Central - Jail , Jaipur).

----Petitioner

Versus

State Of Rajasthan, Through P.p.

----Respondent

For Petitioner(s)	:	Mr. S. Gaharana with Mr. Ritik Singh
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

03/11/2026

1. This fourth bail application under Section 483 of BNSS is filed by the applicant-accused **Ramswaroop S/o Shri Ramnarayan** seeking bail in respect of a criminal case registered as FIR No.162/2022 dated 08.02.2022 registered at P.S. Muhana, District – Jaipur City (South), for the offence under Sections 420, 406, 467, 468, 471, 453, 504 and 120-B 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

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applicant undertakes not to repeat offence and cooperate with trial, which will take time.

3. Learned counsel for the petitioner submitted that the first bail application of the present petitioner was dismissed on 23.09.2025. The second bail application (interim) was dismissed on 16.02.2026 and the third bail application was dismissed on 01.05.2026. He also submitted that, while dismissing the third bail application, this Hon'ble Court directed the trial court to expedite the trial but till date only one witness has been examined by the trial court. He referred to the order sheets of Criminal Case (CIS No. 7586/2026), titled as **State Vs. Ramswaroop.** Learned counsel has further referred to the judgment in the case of **Mohd. Ibrahim and Ors. Vs. State of Bihar (Criminal Appeal No. 1695/2009)**, passed by the Hon'ble Supreme Court, and submitted that no offence under Section 420 of IPC is made out, as the allegation against the present petitioner is only of offering to sell the land of complainant with an intention to cheat other persons. He also submitted that, in the instant case, the statement of PW-1 has been recorded and, after considering her statement, the judgment in the case of **Mohd. Ibrahim (supra)** is entirely applicable. He also referred to bail order dated 15.04.2026 in the case of **Ramswaroop Vs. State** (FIR No. 642/2022) and bail order dated 18.08.2026 in the case of **Ramwaroop Vs. State** (FIR No. 165/2021) and submitted that despite criminal antecedents, the present petitioner was released on bail by a coordinate Bench, as the offences are triable by the

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Magistrate First Class. At last, he submitted that the disposal of the criminal case may take its own time.

4. Learned Public Prosecutor has vehemently opposed the bail application and submitted that the allegations are grave and serious in nature. Learned Public Prosecutor submitted a report received from Police Station Muhana, District Jaipur (South).

5. Heard learned counsel for the petitioner-accused and learned Public Prosecutor. Perused the material placed on record by both the parties.

6. The first bail application of the present petitioner was dismissed on 23.09.2025, wherein we have observed as under:

> "After an order under Section 156(3) of Cr.P.C. by learned Metropolitan Magistrate on complaint of complainant Paras and Sajjan Kanwar about forgery, fabrication and cheating by transfer of land and false promise, a case is registered and investigated. During investigation, present applicant has absconded and warrant of arrest is issued against him. The allegation upon present applicant-accused is made on basis of a fake agreement to sell in favour of society and further on basis of fake and fabricated documents, the applicant-accused has sold the land to different persons. After declaring present applicant-accused as absconder, a charge-sheet under Section 299 of Cr.P.C. is filed. Thereafter present applicant-accused was arrested on 12.05.2025 and on a complaint, a complete charge-sheet is filed against him. The material on record indicate involvement of present applicant in committing cheating with several persons. The record indicate that 5 others criminal cases were registered at P.S. Muhana/Sadar Jaipur for identical nature of allegations."

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7. Thereafter, the third bail application was dismissed on 01.05.2026, wherein we have observed as under:

> "The allegation upon present applicant-accused is made on basis of a fake agreement to sell in favour of society and further on basis of fake and fabricated documents, the applicant-accused has sold the land to different persons. After declaring present applicant-accused as absconder, a charge-sheet under Section 299 of Cr.P.C. was filed. Thereafter present applicant-accused was arrested on 12.05.2025 and, a complete charge-sheet is filed against him.
> The material indicated that after framing of charge, no witness has been examined so far. The police report submitted by learned Public Prosecutor indicated that four criminal cases were registered against the petitioner whereas previous report indicted that FIR Nos. 512/2016 dated 23.08.2016, 162/2022 dated 08.02.2022, 642/2022 dated 02.06.2022 and 1079/2023 dated 26.08.2023 were registered at P.S. Muhana and FIR No.165/2021 dated 06.07.2021 was registered at P.S. Sadar, Jaipur. These cases are identical in nature.
> No doubt about the fact that there was delay in trial and for speedy trial we can direct trial court to take appropriate steps but considering the gravity of charge, it is not appropriate to enlarge petitioner on bail as his first bail application was dismissed on 23.09.2025 and second was dismissed as withdrawn on 16.02.2026."

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8. The present petitioner has been released on bail by a coordinate Bench in two other matters registered against the petitioner, and both are of identical nature. In the current case, the present petitioner is in custody since 12.05.2025 and till date the statement of PW-1, Sajjan Kanwar, has been recorded.

9. There is no doubt about the fact that the offence is triable by the Magistrate first class and the petitioner-accused is in custody for more than one and a half years. Initially, a

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charge-sheet under Section 299 of Cr.P.C was filed, but taking note of other circumstances, the pace of the trial is very slow, and the same is evident from the order passed in the third bail application on 01.05.2026.

10. In the case of **Mohd. Ibrahim & Ors. Vs. State of Bihar (supra),** the Hon'ble Supreme Court has observed that where the accused sells the property of the complainant (owner), claiming himself to be the owner, then the accused has cheated the purchaser and not the owner. A purchaser can file a complaint under Section 420 of IPC and not the owner. Hon'ble Supreme Court has quashed the complaint filed by the owner of the plot. It was observed that no offence of forgery under Sections 467 and 471 of IPC has been made out in such a case.

11. In the instant case, the complainants Paras and Sajjan Kanwar, have lodged a report alleging that their land was sold to others on the basis of a claim of ownership by the petitioner. The police has filed a charge-sheet and till date, only one witness has been examined. The offence is triable by the Magistrate First Class. There are four criminal cases against the petitioner, out of which the petitioner has been released on bail in two cases.

12. A copy of the order sheets from 19.09.2026 to 28.10.2026 has been placed on record, and it indicates that except for the extension of judicial custody, there is no proper proceedings before the Court of Additional Chief Judicial Magistrate No. 18, Jaipur, Headquarter Sanganer. It appears that the Presiding Officer has no control over the

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proceedings, particularly when the accused is languishing in jail. The order sheets indicate that, except for the extension of judicial custody and repetition of the previous order, no effective proceedings were conducted.

13. Having considered the entirety of the facts and circumstances of the case, we have no option except to enlarge the petitioner-accused on bail, as the trial court has failed in its duty to conclude the trial as early as possible. The effectiveness of the proceedings is missing from the order sheets, and a person cannot be kept behind bars for an unlimited period while waiting for justice, therefore, it is appropriate to consider the bail application, as the trial has been delayed.

14. 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.

15. Thus, this fourth bail application filed on behalf of applicant-accused **Ramswaroop S/o Shri Ramnarayan**, 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:-

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(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.

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(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.

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

17. Before parting the order, it is appropriate to notice that the Presiding Officers of Trial Court are lacking proper training and, in the absence of proper training, they are not able to dispose of or control the proceedings of the trial court. This is also applicable to the Reader(s) of the trial court, as the order sheets clearly indicate that they have been recorded by the reader and ultimately signed by the Presiding Officer. Thus, a proper mechanism is required for imparting training at the Rajasthan Judicial Academy.

18. A copy of this order will be placed before Hon’ble the Chief Justice through the Registrar General.

(ASHOK KUMAR JAIN),J

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