

# Jairam vs State Of Rajasthan on 16 August, 2021

**Author: Devendra Kachhawaha**

**Bench: Devendra Kachhawaha**

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 9941/2021

1. Nirmal Singh S/o Sh. Rajendra Singh, Aged About 20 Years,  
R/o Ward No. 9 Near Gulabi Kothi Suratgarh P.S. Suratgarh City,  
District Sri Ganganagar. (At Present Lodged in Sub Jail, Nohar,  
District Hanumangarh).
2. Jasvindra Singh @ Manu S/o Sh. Makhan Singh, Aged About  
20 Years, R/o Ward No. 9 Near Gulabi Kothi Suratgarh P.S.  
Suratgarh City, District Sri Ganganagar. (At Present Lodged in  
Sub Jail Nohar, District Hanumangarh).
3. Vishnu S/o Sh. Niranaram, Aged About 22 Years, R/o Ward  
No. 9 Rayawali P.S. Rajiyasar, District Sri Ganganagar. (At  
Present Lodged in Sub Jail Nohar, District Hanumangarh).
4. Mangaram S/o Sh. Heeraram, Aged About 25 Years, R/o Ward  
No. 7 Rayawali P.S. Rajiyasar, District Sri Ganganagar. (At  
Present Lodged in Sub Jail Nohar, District Hanumangarh).
5. Indraj S/o Sh. Bhanwar Lal, Aged About 20 Years, R/o 19 PTD  
P.S. Sameja Kothi, At Present Ward No. 8 Near Gulabi Kothi  
Suratgarh P.S. Suratgarh City, District Sri Ganganagar. (At  
Present Lodged in Sub Jail Nohar, District Hanumangarh).
6. Vinod Kumar S/o Panalal, Aged About 19 Years, R/o Ward No.  
16 Near Water Tank, Suratgarh, P.S. Suratgarh City, District Sri  
Ganganagar. (At Present Lodged in Sub Jail Nohar, District

Hanumangarh).

7. Ajay Kumar S/o Sh. Bhupram, Aged About 19 Years, R/o Ward No. 11 Rico Area Suratgarh, P.S. Suratgarh City, District Sri Ganganagar. (At Present Lodged in Sub Jail Nohar, District

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[CRLMB-9941/2021]

Hanumangarh).

8. Vinod S/o Madan Lal, Aged About 20 Years, R/o Ward No. 1 Faridsar, P.S. Rajiyasar, District Sri Ganganagar. (At Present Lodged in Sub Jail Nohar, District Hanumangarh).

----Petitioners

Versus

State through PP

----Respondent

S.B. Criminal Miscellaneous Bail Application No. 10662/2021

Jairam S/o Sh. Mahaveer, Aged About 20 Years, R/o Ward No. 11

Near Durga Mandir Rico Colony, Suratgarh Police Thana  
Suratgarh City, District - Sri Ganganagar.

(At Present Lodged in Sub Jail Nohar, District Hanumangarh).

----Petitioner

Versus

State of Rajasthan through PP

----Respondent

For Petitioner(s) : Mr. Shradul Singh Bishnoi,

For Respondent(s) : Mr. Mukhtiyar Khan, PP  
Mr. Sandeep Gaur & Ms. Kiran Gaur,  
for the complainant

HON'BLE MR. JUSTICE DEVENDRA KACHHAWAHA

Order 16/08/2021 Both the above bail applications shall stand decided by this common order as they arise out of the same FIR.

The present bail applications have been filed under Section 439 Cr.P.C. on behalf of the petitioners, who are in judicial custody (3 of 4) [CRLMB-9941/2021] in connection with F.I.R. No.94/2021, Police Station Pallu, District Hanumangarh, registered for the offences punishable under Sections 307, 365, 452, 323, 143 of IPC and Section 27 of Arms Act.

Heard learned counsel appearing for the petitioners and learned Public Prosecutor as well as learned counsel appearing for the complainant. Perused the material available on record.

Learned counsel Mr. Shardul Singh Bishnoi appearing for the petitioners stated that inter-caste marriage took place between Suman and Ramjilal in the year, 2014; accused- Jairam (petitioner in SBCRLMB No.10662/2021) is younger brother of Ramjilal; petitioner Nos. 1 to 8 of bail application No.9941/2021 are the family members and friends of Ramjilal; since, this was a matter of inter-caste marriage, therefore, relation of Suman and Ramjilal was opposed by family members of Suman and hence, protection warrant was sought by Ramjilal and Suman and the protection warrant was issued twice by this Court in S.B. Criminal Misc. Petition Nos.1015/2014 and 370/2017. It is further stated by learned counsel for the petitioners that an affidavit was also exhibited by Suman and as per the affidavit, girl child were not kidnapped by the accused-petitioners and no injury was caused to any one. Learned counsel also stated that accused-petitioners are behind the bars since 28.06.2021; no investigation or recovery is pending against the accused-petitioners; further investigation and trial will take long time. With these submissions, learned counsel for the petitioners prayed that benefit of bail may be granted to the petitioners.

Per contra, learned Public Prosecutor and learned counsel Mr. Sandeep Gaur appearing for the complainant vehemently and (4 of 4) [CRLMB-9941/2021] fervently opposed the bail applications and stated that on gun point, two minor daughters of Suman and Ramjilal were forcefully taken away from the custody of the complainant side but admitted that there is no injury caused to any person.

Having regard to the facts and circumstances of this case, particularly to the fact that it is case of inter-caste marriage; protection orders were issued twice in favour of Ramjilal and Suman by this Court and as per the affidavit of Suman, her daughters were not kidnapped, therefore, without expressing any opinion on the merits/demerits of the case, this Court is of the opinion that the bail applications filed by the petitioners deserve to be accepted.

Consequently, the bail applications are allowed. It is ordered that the accused-petitioners - (1) Nirmal Singh S/o Sh. Rajendra Singh, (2) Jasvindra Singh @ Manu S/o Sh. Makhan Singh, (3) Vishnu S/o Sh. Niranaram, (4) Mangaram S/o Sh. Heeraram, (5) Indraj S/o Sh. Bhanwar Lal, (6) Vinod Kumar S/o Panalal, (7) Ajay Kumar S/o Sh. Bhupram, (8) Vinod S/o Madan Lal and (9)Jairam S/o Sh. Mahaveer, arrested in connection with F.I.R. No.94/2021, Police Station Pallu, District Hanumangarh, shall be released on bail, if not wanted in any other case, provided each of them furnishes a personal bond of Rs.50,000/- (Rupees Fifty Thousand) and two sureties of

Rs.25,000/- (Rupees Twenty Five Thousand) each to the satisfaction of the learned trial Court for their appearance before that Court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(DEVENDRA KACHHAWAHA),J 34-35-Arvind/-

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