

(2023) 11 RAJ CK 0085

Rajasthan High Court

Case No: Criminal Appeal (SB) No. 2245 Of 2023

Jasvir Singh @ Jassi

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

**Date of Decision:** Nov. 20, 2023

**Acts Referred:**

- Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 - Section 3(2)(V), 3(2)(VA), 14A(2)
- Indian Penal Code, 1860 - Section 109, 376A, 376D

**Hon'ble Judges:** Dinesh Mehta, J

**Bench:** Single Bench

**Advocate:** Ramawatar Singh, S.K. Bhati, Mahendra Godara, Harshil Vyas

**Final Decision:** Allowed

### Judgement

Dinesh Mehta, J

1. The present appeal has been filed by the appellant under Section 14-A(2) of the SC and ST (Prevention of Atrocities) Act, 1989 in connection with FIR No.162/2023, registered at Police Station Khajuwala, District Bikaner for the offence under sections 376A, 376D, 109 of IPC and 3(2)(V), 3(2)(VA) of SC/ST (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the appellant argued that the appellant has been implicated simply because the incident of rape and murder happened at his rented premise.
3. While highlighting that it is an admitted case of prosecution that on the date of the incident, the appellant was in Khajuwala, learned counsel argued that the appellant has been roped-in the case as being part of the conspiracy simply because he had consented to use his rented premise to the main accused (Dinesh Bishnoi) in furtherance of his telephonic request.
4. Learned counsel argued that there is no other evidence or prior incident for which the appellant can be prosecuted for being part of the conspiracy or having common interest in commission of the offence.
5. Learned Public Prosecutor and counsel appearing for the respondent No.2 opposed the appeal inter-alia contending that the appellant was a friend of the main accused (Dinesh Bishnoi) and it was only because of his consent to use his premise, such heinous crime could take place, at his premises.
6. Heard learned counsel for the parties.

7. Admittedly, the charge-sheet has been filed and neither any investigation is pending nor any recovery is to be made from the appellant. The appellant is behind the bars since 25.06.2023 and the appellant can at the best be alleged to have facilitated the meeting of the main accused (Dinesh Bishnoi) with the deceased, this Court is of the prima-facie view that he cannot be convicted of the offence of hatching conspiracy or for abetment of the offence of rape.

8. The present appeal is thus, allowed. It is ordered that appellant Jasvir Singh @ Jassi S/o Kuldeep Singh arrested in connection with FIR No.162/2023, registered at Police Station Khajuwala, District Bikaner shall be released on bail on his furnishing personal bond in the sum of Rs.50,000/- and two sureties of Rs.25,000/- each to the satisfaction of the learned trial Court.

9. Appellant shall be required to appear before the trial Court on all dates of hearing and as and when called upon to do so.

10. Needless to mention that the above observations made by this Court are on the basis of material so far produced before the Court. These are only prima-facie observations and the same shall, however, not come in the way of the trial Court to take an independent view of the matter, based on ocular and oral evidence, while finally deciding the case.