

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

S.B. Criminal Miscellaneous 2nd Bail Application No. 5822/2023

Santosh Sharma S/o Shri Ramgopal Sharma, Aged About 28 Years, R/o Mahariya, Police Station Mandawari, District Dausa. (At Present Confined At District Jail Dausa).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

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For Petitioner(s) : Mr. Umesh Dixit

For Respondent(s) : Mr. B.L. Nasuna, Dy.GA

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**HON'BLE MR. JUSTICE ASHOK KUMAR JAIN**

**Order**

**16/05/2023**

The present bail application is preferred by the petitioner- Santosh Sharma S/o Shri Ramgopal Sharma under Section 439 Cr.P.C. The petitioner had been arrested in connection with FIR No. 430/2022 registered at P.S. Lalsot, District Dausa for offence under Sections 420, 467, 468 and 120B IPC wherein the petitioner presently is in custody.

The first bail application was dismissed on 28.03.2023.

Learned counsel for petitioner while referring the subsequent statements of PW-3-complainant (Rajvir Atal) and PW-4-Investigating Officer (Pratap Singh) had submitted that they had not corroborated the allegation upon petitioner. He further submitted that during cross examination it was admitted by PW-3 that no financial damage was caused to village panchayat from act of accused. He further referred the statement of PW-4 and

submitted that during cross-examination it was admitted that he had not inquired in detail regarding issuance of patta and not seized the record of patta. He further referred the statement of PW-4 and submitted that no inquiry was conducted from Cholla Mandalam Finance Ltd., Dausa and no record or other things were seized. He further submitted that from statement of PW-3 and PW-4, it is established the present petitioner is not involved in preparation of forged Patta and he had not contributed in any manner. He further submitted that all material witness had already been examined by learned trial Court and further no record was found with panchayat as regard to present patta is concerned. At last he submitted that no substantial evidence was produced from all material witnesses examined so far so as to draw a conclusion that present petitioner was involved in the matter.

Aforesaid contentions were opposed by learned Public Prosecutor.

This Court had dismissed the bail application of present petitioner on 28.03.2023 but thereafter some witnesses were examined by learned trial Court. The order dated 18.04.2023 indicated that charges under Sections 420, 467, 468 and 120B IPC were framed against present petitioner and according to learned counsel when first bail application was considered by this Court, the allegation on present petitioner was fabricating the patta in name of main accused Dinesh Kumar but during trial the evidence of almost 5 witnesses have been examined by learned trial court. The IO had deposed that information of present petitioner was recorded as Ex.P-7 and on the basis of that information, patta with two rubber seals were seized from shop of petitioner-

Santosh. The memo was prepared as Ex.P-8. I have perused cross-examination of PW-4. These documents Ex.P-7 and Ex.P-8 are also available on file. So merely admitting certain suggestions by PW-3 and PW-4, this Court cannot conclude that there is no evidence against present petitioner, therefore in view of evidence available on record, this Court is of opinion that trial is proceeding well and on the basis of facts, present petitioner is not entitled to be released on bail at this stage.

Hence, the second bail application stands dismissed.

Misc. application stands disposed of.

Before parting with the order, it has been noticed that in cases of recovery, the IO is most important witness and the manner in which PW-4 was examined in Examination-in-chief clearly indicated that the Prosecution Officer lacks quality and competence therefore it is high time for the State Prosecution Department to organize intensive capacity building programs to develop skill of examination in their prosecutors so that State who is responsible for prosecution on behalf of public can show that the prosecutors of State are competent and efficient.

A copy of this order is sent to the Principal Secretary Home for needful with directions to send compliance within eight weeks.

(ASHOK KUMAR JAIN),J