



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Miscellaneous Bail Application No. 1544/2025

Bhawani Pratap Singh @ Chintu S/o Shri Kunwar Pal Singh @
Baniya, Aged About 28 Years, R/o Plot No. F 69/1 , Street No. 04
, New Address New Usmanpura , Delhi , New Usmanpura ,p.s.
Dist Udaipur (Lodged In Dist Jail Udaipur)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s) : Mr. Vijay Raj Bishnoi
For Respondent(s) : Mr. C.S. Ojha, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

Reportable

18/06/2025

1. It is a well-settled principle of law that the power to grant bail—whether regular or temporary—forms an integral part of the discretionary jurisdiction of the Court, guided by the overarching considerations of justice, equity, and necessity. Although this Court, after a careful appraisal of the record, is not inclined to grant the petitioner regular bail owing to the seriousness of the allegations, the gravity of the offence under the NDPS Act and the sufficiency of prima facie material supporting the prosecution case, it is equally mindful of the humanitarian dimensions of criminal jurisprudence.

2. Temporary bail, though exceptional in nature, is not alien to the scheme of criminal law. The Hon'ble Supreme Court of India has consistently recognised, inter alia in ***Rakesh Kumar v. State of NCT of Delhi*** reported in (2022) 5 SCC 533 and ***Dadu alias Tulsidas v. State of Maharashtra***, reported in (2000) 8 SCC 437 that in appropriate cases, where compelling personal,



familial, or humanitarian grounds are established, the Courts are competent to grant bail for a limited duration, even while denying regular bail.

3. In the present case, wife of the petitioner is pregnant and expected to deliver child within a few days and there is no other member in the family to take care and provide medical assistance to her, therefore, his presence is urgently required with his family due to certain compelling domestic circumstances. Though such grounds, by themselves, may not be sufficient to warrant regular bail, they do constitute a reasonable basis for this Court to invoke its discretion and permit the petitioner's temporary release to discharge familial obligations or attend personal exigencies. Thus, this Court finds that a balanced approach—one which upholds the legal sanctity of the custodial process while also accommodating legitimate personal concerns—is warranted. The objective of criminal justice is not merely punitive but reformatory and humane.

4. Accordingly, in this fashion, the instant bail application is disposed of with a direction that the petitioner shall be released on bail for a period of **60** days from the date of his actual release provided he furnishes a personal bond in the sum of Rs. 50,000/- along with two sound and solvent sureties in the sum of Rs.25,000/- each to the satisfaction of concerned trial court. The order shall be effective from the date of the petitioner's release. The concerned jail authority shall give the date of surrender to the petitioner.

(FARJAND ALI),J

15-Mamta/-