



RAJASTHAN HIGH COURT
HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR
सत्यमेव जयते

S.B. Criminal Miscellaneous Bail Application No. 10058/2025

Kuldeep Singh

-----Petitioner

Versus

State Of Rajasthan

-----Respondent



For Petitioner(s) : Mr. Kailash Khilery
For Respondent(s) : Mr. SS Rathore, Dy.G.A.

HON'BLE MR. JUSTICE FARJAND ALI

Order

28/08/2025

1. Learned counsel for the State submits that despite repeated and sincere efforts by the learned trial Court to secure the attendance of prosecution witnesses, particularly police officials who were instrumental in the recovery, they are not turning up to depose before the Court. It is further informed that even warrants of arrest have been issued against certain police officers; however, such warrants have not been effectuated.
2. This Court finds it to be a most distressing and deplorable state of affairs that police officers, who themselves are duty-bound to effectuate service of process in criminal cases, are blatantly defying the process of law. The situation becomes even more alarming when a warrant of arrest issued by a Court is not executed merely because the concerned person happens to be a police officer. The very fact that a serving



police officer, who is posted at some place in the State and performing public duty, cannot be apprehended despite an arrest warrant against him, shakes the confidence of the public in the justice delivery system and seriously erodes the faith of the society in the preventive agency itself. Nothing can be more shameful for a democratic system governed by rule of law.



3. In ***Ganesh Ram v. State of Rajasthan*** (Date of order : 1.12.2015), the co-ordinate bench of this Court had already directed that in order to ensure smooth compliance of summons and warrants issued to police witnesses, the Director General of Police shall appoint a Nodal Officer in each district, preferably not below the rank of Circle Inspector, who shall be responsible for ensuring service of summons and securing attendance of police witnesses before the Courts. The trial Court concerned was authorized to forward summons directly to such Nodal Officer, and in case of non-compliance, the said officer was to be held personally liable.

4. For ready it is being reproduced hereunder-

"Mr. Ashok Upadhyay, learned P.P. states that for ensuring smooth compliance of the process issued by the Courts to the police witnesses, a Nodal Officer should be directed to be appointed under each District S.P. and he should be made liable for ensuring service of the summons on the police witnesses and their appearance in the Court.



Accordingly, exercising the inherent powers of this Court, it is hereby directed that the Director General of Police in furtherance of the Circular dated 8.1.2013 shall ensure that a Nodal Officer preferably not below the rank of Circle Inspector of Police shall be appointed in each district for ensuring service of summons and attendance of police witnesses for giving evidence in the Courts. The trial court concerned shall be authorized to directly forward the summons to such Nodal Officer who shall be responsible to effect service of the summons and ensure the attendance of the witnesses in the Court. In the event of non compliance of the trial court's direction, the Nodal Officer shall be personally liable to face the consequences thereof."

5. However, in the present case, it appears that the directions contained in Ganesh Ram (supra) have not been complied with in their true spirit. The very fact that even warrants of arrest against police officers remain unexecuted demonstrates a gross failure of responsibility.
6. Accordingly, this Court deems it appropriate to summon an explanation from the Director General of Police, Rajasthan, as to why the officers subordinate to him are consistently failing to discharge their statutory duties and as to why a police officer, despite an arrest warrant, could not be apprehended. The DGP shall specifically indicate in his affidavit:
 - Whether the directions in Ganesh Ram (supra) have been duly implemented in letter and spirit;



[CRLMB-10058/2025]

- If yes, who was the designated Nodal Officer in the concerned district at the relevant time;
- What steps have been taken to ensure compliance of the trial Court's process;
- And why contempt proceedings should not be initiated against the responsible officers for such blatant disobedience of the Court's orders.

7. Shri Deepak Choudhary, learned GA-cum-AAG, shall forthwith communicate this order to the DGP, Rajasthan. The affidavit in compliance be filed on or before the next date of hearing.
8. List the matter on 12.09.2025.

(FARJAND ALI),J

28-Samvedana/-