(2026) 02 RAJ CK 1726

In the Rajasthan High Court, Jodhpur Bench

Case No : Criminal Writ Petition No. 603 Of 2026

Jitendra Singh APPELLANT

Vs

State Of Rajasthan RESPONDENT

Date of Decision : 12-02-2026

Acts Referred:
Constitution of India, 1950 — Article 21, 226
Arms Act, 1959 — Section 3, 25, 25(8)

Citation : (2026) 02 RAJ CK 1726

Hon'ble Judges : Farjand Ali, J

Bench : Single Bench

Advocate : Anushree Sharma, Sri Ram Choudhary

Final Decision : Disposed Of

Judgement

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Farjand Ali, J

1. The present criminal writ petition has been preferred under Article 226 of the Constitution of India in relation to FIR No.10/2026 dated 12.01.2026 registered at Police Station Pur, District Bhilwara, for offences under Sections 3, 25 and 25(8) of the Arms Act, 1959 (Amendment 2019).

2. Briefly stated the facts of the case are that on 12.01.2026, a written report was submitted by the complainant alleging that during routine patrolling, the police recovered one pistol along with a magazine and cartridges from the possession of co-accused Mahendra S/o Madan Raigar. Upon inquiry, the co-accused allegedly stated that he had purchased the said firearm and ammunition from the present petitioner. On the basis of the written report and the said disclosure statement, the aforesaid FIR came to be registered.

2.1. On 16.01.2026, the petitioner, who was already lodged in Central Jail, Udaipur in connection with another matter, was shown as an accused in the present case and was arrested pursuant to a production warrant issued by the learned Chief Judicial Magistrate, Bhilwara. The petitioner was thereafter remanded to police custody vide orders dated 18.01.2026 and 20.01.2026. Hence the instant Writ Petition.

3. Learned counsel for the petitioner contends that the petitioner has been falsely and mala fide implicated solely on the basis of the disclosure statement of the co-accused, without any independent recovery or legally admissible corroborative evidence connecting him with the alleged offence.

3.1. It is asserted that no incriminating article was recovered from the petitioner, nor is there any substantive material to justify his implication in the present case. He further submitted that the petitioner has been incarcerated since 2019 and was already behind bars at the time of the alleged incident, thereby rendering the prosecution story inherently doubtful. It is further contended that the police custody remand granted on 18.01.2026 and 20.01.2026 lacked cogent justification and reflects arbitrary exercise of investigative power. On these premises, the petitioner seeks directions for fair and impartial investigation, transfer of the investigation to an independent agency, and release from what is alleged to be illegal detention.

4. Learned AGA has opposed the submissions advanced by the counsel for the petitioner.

5. I have bestowed my anxious consideration to the rival submissions advanced at the Bar and have meticulously examined the contents of the FIR as well as the material placed on record.

5.1. At the outset, it is manifest from the record that the implication of the present petitioner emanates exclusively from the disclosure statement of the co-accused, from whose possession the alleged firearm and ammunition were recovered. Admittedly, no recovery whatsoever has been effected from the petitioner. The prosecution case, insofar as it concerns the petitioner, rests singularly upon the statement allegedly made by the co-accused during interrogation.

5.2. It is trite that a disclosure statement of a co-accused, absence of discovery of a new thing or recovery pursuant thereto or independent corroboration, at the best constitutes a fragile and inherently circumscribed piece of material at the stage of investigation. In the present case, no tangible incriminating article has been recovered from the petitioner, nor has any independent material been placed before this Court to prima facie establish a live nexus between the petitioner and the alleged contraband weapon.

5.3. The record further reveals that the petitioner was already lodged in Central Jail, Udaipur, in connection with another case at the time when he was shown as an accused in the present matter and was subsequently arrested pursuant to a production warrant. While incarceration in another case does not, ipso facto, grant immunity from investigation in a distinct offence, the circumstances in which the petitioner has been arraigned necessitate heightened judicial scrutiny to ensure that the investigative process does not transgress constitutional safeguards.

5.4. This Court is conscious of the settled position that investigation is the exclusive domain of the investigating agency and ordinarily ought not to be interdicted in exercise of writ jurisdiction. However, the constitutional mandate under Article 226 obligates this Court to intervene where the process of investigation appears susceptible to arbitrariness, mala fides, or manifest procedural impropriety.

5.5. The allegations raised by the petitioner, particularly with regard to absence of recovery, lack of corroborative material, and the manner in which police custody remand was sought and granted, collectively warrant an assurance that the investigation proceeds in a fair, transparent, and legally sustainable manner. Fair investigation is not a matter of discretion but an inalienable facet of Article 21 of the Constitution, and any investigative exercise must conform to the touchstone of reasonableness, objectivity, and procedural propriety.

6. Upon a meticulous perusal of the First Information Report, this Court is satisfied that the allegations therein prima facie disclose the commission of a cognizable offence warranting registration and thorough investigation in accordance with law. The FIR, at this incipient stage, cannot be characterized as inherently absurd, mala fide, or devoid of foundational facts so as to justify judicial interdiction.

6.1. It is further borne out from the record that during custodial interrogation, a co-accused is stated to have named the present petitioner as an accomplice. Whether such disclosure ultimately withstands evidentiary scrutiny is a matter to be adjudged at an appropriate stage. However, the factum of such disclosure undeniably furnishes a legitimate ground for the investigating agency to subject the allegation to deeper probe. The mention of the petitioner's name in the course of investigation cannot, ipso facto, be discarded as inconsequential or illusory so as to stifle further inquiry.

6.2. The petitioner's categorical assertion of innocence, namely, that he bears no nexus with the alleged offence cannot, by itself, constitute a valid ground for quashing the FIR at a stage when investigation is ongoing. It is trite that the inherent jurisdiction of this Court is to be exercised sparingly, with circumspection, and only in cases where the allegations are patently frivolous, manifestly attended with mala fides, or where continuation of proceedings would amount to an abuse of the process of law. The present case does not, at this juncture, fall within such exceptional contours.

6.3. The investigative process is a statutory prerogative entrusted to the investigating agency. It is within their exclusive domain to ascertain whether the disclosure statement of the principal accused is credible or contrived, substantive or speculative. The veracity, probative value, and corroborative worth of such disclosure are matters that can only be unearthed through systematic collection of evidence, examination of witnesses, and evaluation of attendant circumstances.

6.4. This Court does not possess a forensic litmus test to pre- emptively determine the truthfulness or falsity of the disclosures made during investigation. Judicial intervention at this embryonic stage would amount to trenching upon the investigative sphere and prematurely foreclosing avenues of inquiry. The function of the Court, at this threshold, is not to meticulously analyze the evidentiary merits, but merely to ascertain whether the allegations disclose a cognizable offence requiring investigation. In these circumstances, the matter is eminently one that necessitates comprehensive investigation. Interference at this stage would neither be justified nor conducive to the administration of criminal justice. It is further observed that if the petitioner has remained under prolonged incarceration during the relevant period, the investigative burden assumes a more exacting dimension. In such circumstances, it squarely falls within the province of the investigating agency to elucidate, through cogent and legally admissible material, the precise modality by which the petitioner is alleged to have communicated, transmitted instructions, or otherwise coordinated with the principal accused from within the confines of the correctional institution. Mere conjecture that an incarcerated individual could have orchestrated or facilitated the alleged offence, without substantiating the mechanism of such communication, would be legally untenable. The prosecution must demonstrate, by objective evidence, whether there existed access to telephonic communication, clandestine channels, intermediaries, electronic correspondence, or any other conduit capable of enabling such transmission of instructions. In the absence of such proof, the allegation would remain speculative and bereft of probative foundation.

6.5. When an accused is in judicial custody, the presumption of physical restraint becomes a material circumstance requiring affirmative rebuttal. The investigative agency cannot circumvent this factual impediment by resting upon bare assertions. It is incumbent upon them to establish a credible link connecting the incarcerated petitioner with the alleged criminal enterprise, notwithstanding his custodial status. Therefore, if the prosecution seeks to attribute conspiratorial or supervisory involvement to a person already lodged in prison, the evidentiary threshold correspondingly heightens. The agency must demonstrate not merely the existence of an allegation, but the plausible and demonstrable means through which such alleged complicity was operationalized from within incarceration. Absent such substantiation, the accusation would lack the necessary juridical solidity to withstand judicial scrutiny.

6.6. At the same time, this Court does not find, at this nascent stage, such exceptional circumstances as would justify quashment of the FIR or interdiction of the investigation in toto. The allegations in the FIR, though presently resting on limited material qua the petitioner, cannot be adjudicated conclusively in writ proceedings, particularly when the investigation is still in progress.

6.7. Consequently, while this Court refrains from entering into the merits of the allegations or recording findings that may prejudice either side, it deems it appropriate, in the interest of justice, to ensure that the investigation is conducted in a scrupulously fair and impartial manner. The investigating agency is thus directed to carry out the investigation strictly in accordance with law, uninfluenced by any extraneous considerations, and to ensure that no coercive or oppressive steps are taken against the petitioner except in strict compliance with statutory provisions and constitutional safeguards.

7. In view of the foregoing discussion, the present criminal writ petition is partly allowed to the limited extent that the respondents are directed to conduct a fair, impartial, and legally compliant investigation in FIR No.10/2026 dated 12.01.2026 registered at Police Station Pur, District Bhilwara, for offences under Sections 3, 25 and 25(8) of the Arms Act, 1959 (Amendment 2019). No further relief, including quashment of the FIR or release of the petitioner, is granted at this stage.

8. Stay petition and all pending applications, if any, shall stand disposed of.