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

S.B. Criminal Miscellaneous Bail Application No. 2242/2026

Waris Alias Lahaki S/o Hakam Khan, Aged About 26 Years,
Resident of Mahaluka, Police Station-Hatheen, District-Palwal
(Haryana) (Presently Lodged in District Jail Didwana-Kuchaman
Since 09-01-2026)

----Petitioner

Versus

State of Rajasthan, Through The Public Prosecutor.

----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 1808/2026

Usman Alias Andha S/o Shubhan Khan, Aged About 28 Years,
Resident of Golaki, Police Station-Sikri, District-Deeg Rajasthan
(Lodged in Dist. Jail Didwana Kuchaman)

----Petitioner

Versus

State of Rajasthan, Through The Public Prosecutor.

----Respondent

For Petitioner(s) : Mr. Himanshu Soni, Adv.
Mr. Rajak Khan, Adv.

For Respondent(s) : Mr. Pawan Kumar Bhati, Asst. GA

HON'BLE MR. JUSTICE CHANDRA PRAKASH SHRIMALI
Order

REPORTABLE

1.	Arguments Concluded On:	17.03.2026
2.	Order Reserved On:	17.03.2026
3.	Full Order/Operative Part Pronounced:	Full Order
4.	Pronounced On:	27.03.2026



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1. These two separate bail applications for regular bail have been filed on behalf of the accused/applicants under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with First Information Report No. 187/2025 registered against them at Police Station Khunkhuna, District Didwana, Kuchaman under Sections 331(4) and 305(e) of the BNS.

2. As these bail applications arise out of same FIR, hence they are being disposed of by this common order.

3. Learned counsel for the accused/applicants argued that the accused/applicants are innocent and they have been falsely implicated in the case. The accused/applicants have not committed any theft, nor have they used a stolen vehicle in the crime of theft by affixing a forged/tampered number plate on it. There are no recoveries pending against the accused/applicants, and they are not charged with a crime punishable by death or life imprisonment, but rather with an offense triable by a Magistrate Court. The accused/applicant - Waris suffers from a serious illness, with wounds on his thigh and genitals. Both the accused/applicants are in custody since January 9, 2026. The trial of the case is likely to take considerable time. Thus it is prayed that the bail applications submitted by them be accepted and they be released on bail.

4. Learned Public Prosecutor argued that the accused/applicants colluded to steal the money by cutting the ATM machine with a gas cutter and used the stolen vehicle with a





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forged/tampered number plate. There are 3 criminal antecedents against the accused/applicant - Waris and 2 criminal antecedents against the accused/applicant - Usman. Therefore, considering the gravity of the offences alleged against them, the above bail applications be dismissed.

5. I have considered the arguments of both the parties and perused the record.

6. In the present case, the accused/applicants are accused of stealing money by cutting the ATM machine of SBI Bank in Didwana Kuchaman with a gas cutter. Nothing remains to be recovered from them and the investigation against them has been completed. The concerned police station Khunkhuna has reportedly filed a challan against the accused/applicants under sections 331(4), 305(E), 318(4), 336(2), 338, 345(3), 61(2) of BNS and they are in custody since 09.01.2026.

7. Three other criminal cases are reportedly registered against the accused/applicant - Waris alias Lahki, one of them has already been disposed of by the concerned court. Out of these cases, only one relates to the crime of theft against the accused/applicant. Similarly, two criminal cases are registered against the accused/applicant - Usman alias Andha, both of them relate to the Rajasthan Bovine Animal(Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 1995. No theft-related case is pending against him.



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8. In accordance with the principle laid down by the Hon'ble Supreme Court in the case of "**Prabhakar Tewari Vs. The State of Uttar Pradesh**"; AIR ONLINE 2020 SC 96, the accused/applicant cannot be denied release on bail merely on the ground of pendency of criminal cases. It would be appropriate to quote the relevant portion of the said decision herein below:

10. "In so far as criminal antecedents of the applicant is concerned, it is not the case of the State that applicant might tamper with or otherwise adversely influence the investigation, or that he might intimidate witnesses before or during the trial. The State has also not placed any material that applicant in past attempted to evade the process of law. If the accused is otherwise found to be entitled to bail, he cannot be denied bail only on the ground of criminal history, no exceptional circumstances on the basis of criminal antecedents have been shown to deny bail to accused, hence, the Court does not feel it proper to deny bail to the applicant just on the ground that he had criminal antecedents".

9. Now a major thought and in-fact a big question crops up before the Court for consideration about the constant need to ponder that the accused/applicants should not indulge in criminal activities again on the grounds for which they got involved in criminal activities or on any other grounds and they should be rehabilitated so that they are able to come into the mainstream of the society.

"EVERY SAINT HAS A PAST, EVERY SINNER HAS A FUTURE."

"हर सन्त का अतीत होता है, हर पापी का भविष्य होता है।"





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— **Oscar Wilde**

अपि चेदसि पापेभ्यः सर्वेभ्यः पापकृत्तमः ।
सर्वं ज्ञानप्लवेनैव वृजिनं सन्तरिष्यसि ॥

"Even those who are considered the most immoral of all sinners can cross over this ocean of material existence by seating themselves in the boat of divine knowledge."

Shreemad Bhagwad Gita: 4.36

10. We must have definitely heard and read about the personalities who committed such acts which were not pardonable but despite of that such personalities were given an opportunity to reform themselves. Not only were they provided the opportunity rather they transformed themselves be it was "**Sage Valmiki**" or "**Banasur**" one who considered lord Krishna as his enemy. All these examples in today's time act as a precedent to navigate our Criminal Justice system.

11. Keeping in view the ideals, culture and rich heritage of our nation, our legal system focuses much on the reformation of an offender as much as possible rather than the punitive measures and hence the newly enacted criminal laws provides "**Nyaya**" and not "**Dand**". The transformation from "**Dand**" to "**Nyaya**" under the new laws has bring along with them the newly included concept of "**Community Services**".

12. However, there are certain instances that has been reported by this Court and also by other courts that the concept of Community services is not getting properly implemented owing to





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the dilemma as to how and in which matters and manner it should be awarded to an offender. Since this newly evolved concept is the most unique one and also in consonance with the soul and spirit of our Indian Judicial system and hence without its actual implementation, it shall be considered that it has not been used properly in the way it should have been, and also that the command of the law has not been followed.

13. The major aim behind the concept of community service is threefold; firstly to prevent the offender from crossing through the harsh punishments like incarceration, etc; secondly by indulging the offender to provide its services to the community and; thirdly to rehabilitate the offender back to the original mainstream of the society. These community services are awarded against the offences of minor nature, for the first time offenders and especially to the young delinquents with the hope and aspiration of their reformation. In fact, Hon'ble Supreme Court and various High Courts have, through their various judgments emphasised the importance of community services.

14. When a person commits a minor offence and is kept in jail, there is a real risk that he may come out as a more serious offender. This happens because prisons often expose first-time or low-level offenders to hardened criminals, from whom they may learn new methods of committing crimes. The harsh environment of prison may also create feelings of anger, frustration, hatred or





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revenge against society. Furthermore, once released, such individuals often face social stigma and difficulty in finding employment, which may push them back into criminal activities.

Due to these reasons, courts must prefer reformatory remedy in form of community services in cases of minor offences, as these measures help in reforming the individual without exposing them to the negative influences of prison.

15. Building on this point, modern criminal justice systems increasingly follow the idea that punishment should not only be about retribution but also about reformation and reintegration. When minor or first time offenders are unnecessarily exposed to prison life, it can damage their social identity and weaken their ties with family, education, or employment. This disconnection from normal society often makes it harder for them to return to a lawful life.

16. Moreover, prisons are frequently overcrowded and lack proper adequate rehabilitation programs, which means that instead of receiving guidance or correction, individuals may adapt to a survival-based, criminal mindset. The longer a person stays in such an environment, the more likely they are to normalize criminal behavior.

17. On the other hand, alternatives like bail, probation, or community service allow the individual to remain within society while being monitored and held accountable. These measures





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provide an opportunity for self-correction without the harmful side effects of incarceration. In this way, the justice system aims to strike a balance between maintaining law and order and preventing the transformation of minor offenders into habitual or hardened criminals.



18. The constitutional framework of India places the people at the centre of the legal and political order, as reflected in the Preamble which commences with the expression "**We, the People of India**". The Constitution, therefore, envisages that the State and its instrumentalities, including the criminal justice system, function ultimately for the welfare and advancement of society.

19. The philosophy underlying the Constitution is not merely punitive but deeply rooted in social justice and human dignity, which informs legislative and judicial approaches to punishment. The evolution of sentencing policy must thus be viewed in the light of the constitutional commitment to justice—social, economic and political—enshrined in the Constitution of India.

20. India has consistently been recognized as a welfare state, a principle reflected particularly in the Directive Principles of State Policy contained in **Part IV of the Constitution**. Provisions such as **Articles 38 and 39** impose an obligation upon the State to promote social welfare and secure a social order in which justice prevails.



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21. In this constitutional setting, the criminal justice system is not intended solely to punish offenders, but also to reform, rehabilitate and reintegrate them into society. The concept of punishment in a welfare state therefore increasingly moves away from a strictly retributive model toward reformative and restorative models of justice. Rehabilitation is the process of reintegrating offenders into mainstream society further reforming and preventing recidivism. Rehabilitation programmes such as vocational training and education, psychological and behavioural treatment, probation and community service, education focused programmes in the prisons and in societies and family & social supports not only reduce recidivism but also increase safety in society and give offenders a chance to self improvement.

22. Indian criminal jurisprudence has gradually evolved from a purely deterrent and retributive framework toward a reformative theory of punishment. Courts have repeatedly emphasised that the objective of punishment should not merely be to inflict suffering upon the offender but to facilitate his reformation and eventual reintegration into society.

23. This approach has found expression in various legal developments, including the Probation of Offenders Act, 1958, which empowers courts to release certain offenders on probation instead of sentencing them to imprisonment. Such statutory mechanisms reflect the recognition that minor offenders should be





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given an opportunity to reform rather than being exposed to the potentially criminogenic environment of prisons.

24. In "**State Through PS Lodhi Road, New Delhi v. Sanjeev Nanda**" **2012 (8) SCC 450** the Hon'ble Supreme Court in para 122 of its judgment held as under:

122. "Convicts in various countries, now, voluntarily come forward to serve the community, especially in crimes relating to motor vehicles. Graver the crime greater the sentence. But, serving the society actually is not a punishment in the real sense where the convicts pay back to the community which he owes. Conduct of the convicts will not only be appreciated by the community, it will also give a lot of solace to him, especially in a case where because of one's action and inaction, human lives have been lost".

25. In the case of "**Saurav Porwal & Anr. Vs The State & Anr.**" (2024 LiveLaw (Del) 843), Delhi High Court ordered two people accused of outraging a neighbour's modesty to perform one month of community service at Gurudwara Rakab Ganj Sahib, along with other penalties like paying a fine and planting trees, before the FIR was quashed following a settlement.

26. In the case of "**Sabyasachi Devpriya Nishank V/s State of Maharashtra**" (2025 SCC OnLine Bom 143), Bombay High Court granted the bail to the accused of drink and drive while performing community service as one of the conditions for grant of bail.





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27. *Another concept which this court would like to make clear is that the community service can be provided in place of imprisonment in case where the duration of incarceration is relatively less and/or the offence is not of heinous nature and also such punishment can be laid while granting bail to the person in addition to the general conditions which the courts usually asks from the offender while bailing him out.*

28. Having regard to the precedents set up by the Hon'ble Courts one thing which becomes crystal clear is that the courts shall endeavour to sentence the offenders (where the courts seems it reasonable), to be with the punishment of community service in order to transform them and reintegrate into the society.

29. For the present purposes, it would be relevant to mention here that Justice V.R. Krishna Iyer (former judge of Hon'ble Supreme Court) has given a powerful quote on the issue in hand, which reads thus :-

"SOCIETY MUST STRONGLY CONDEMN CRIME THROUGH PUNISHMENT, BUT BRUTAL DETERRENCE IS A FIENDISH FOLLY AND IS KIND OF A CRIME BY PUNISHMENT. IT FRIGHTENS NEVER REFINES; IT WOUNDS NEVER HEALS"

-J.Krishna Iyer.

30. These words of Justice Krishna Iyer remind us that brutal punishments would not be a solution rather such harsh





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punishment in itself would be a crime in the form of punishments and hence under BNSS, community service is now an option and an alternative of punishment for minor offences.

31. Community service is defined under Section 23 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") as under:

"The work which the Court may order a convict to perform as a form of punishment that benefits the community, for which he shall not be entitled to any remuneration".

32. In the case of "**S V/s. Fraser**" (MANU/SASC/0033/2005), Supreme Court of Appeal of South Africa in its judgment while allowing the appeal of the accused held that the accused shall without any remuneration render 416 hours community service.

33. *After having considered the views adopted by the Courts in respect of the community services, this Court directs that while awarding the condition of community service as an alternate to the punishment, the courts must bear in mind that the offender/accused shall not be entitled to any remuneration and neither the court should award the same, because community services are kind of a punishment and not employment and hence there can be no remuneration for the same ***

34. The BNSS has introduced community service as a form of punishment for the following six offences:

- **Section 202:** Public servant unlawfully engaging in trade





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- **Section 209:** Non-appearance in response to a proclamation under section 84 of BNSS, 2023
- **Section 226:** Attempt to commit suicide to compel or restrain exercise of lawful power
- **Section 303(2) proviso:** Theft where the value of the stolen property is less than five thousand rupees and a person is convicted for the first time and returns or restores the value of property.
- **Section 355:** Misconduct in public by a drunken person.
- **Section 356(2):** Defamation

35. The Community Service can be awarded to the accused by directing him to contribute few hours (as seems just and reasonable to the court awarding the same), for such services. The co-ordinate bench of this Hon'ble Court in the case of "**Shivsingh Meena v. State of Rajasthan**" (2025 SCC OnLine Raj 3045), decided on 13.06.2025 while granting the bail to the accused awarded him to contribute for 2 months to the Swacch Bharat Abhiyan.

36. *The Community Service can be bestowed by imposing upon the accused the condition of:*

- 1: Contributing to the Swacch Bharat Abhiyan.
- 2: By planting any number of trees (which the court seems to be justified)
- 3: By assisting the doctors and nurses in administering their work, excluding the work which requires the technical medical knowledge like giving injections or any kind of surgical or medicinal work.





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4: By serving in the services of Gurudwaras or any other religious places or attending the religious lectures in which the accused has the faith as by spending a considerable time period in such religious institutions there is a probability of transformation of the thought process of such individual.

5: Community service in the form of cleaning the parks, Government Schools, historical places of the city where such community services are required.

6: Working with non-profit organizations like NGOs, or participating in environmental conservation activities.

7: Or any other Community Service as mentioned in the Notification issue vide S.O.23 Dated 10.09.2025 passed by the Department of Home, Govt.of Rajasthan.

37. Furthermore in the case of **Sunita Gandharva v. State of Madhya Pradesh & Anr.** (2020 SCC OnLine MP 2193), the Madhya Pradesh High Court held that as per Section 437(3) of the Criminal Procedure Code, 1973 (CrPC) Court can impose "any other conditions in the interest of justice" over accused by way of community service and other related reformatory measures and same can be innovated also but must be as per his capacity and willingness.

38. However in the case of "**Abhishek Sharma v The State of Madhya Pradesh**" (MCRC No. 17785 of 2024). Madhya Pradesh High Court allowed the temporary bail of the accused for continuous harassment of a girl via WhatsApp, stalking, and vulgar calls on the condition of community service. However,





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Justices A.M. Khanwilkar and S. Ravindra Bhat while deciding the case of **Aparna Bhat & Ors. vs. State of Madhya Pradesh & Ors.** (MANU /SC /0193 /2021), have taken a dig on community services being preferred by courts across India as a bail condition, specifically in gender-related crimes. The Apex Court highlighted that judges have an important role as educators and thought leaders at all levels. It is their responsibility to maintain objectivity in their words and actions at all times. If they falter, especially in crimes involving women, they jeopardize fairness and inflict great cruelty in their casual indifference to the survivors' despair.

39. Similarly in the case of **"XYZ & Ors. v. State of M.P & Anr."** [(2021) 16 SCC 179], the Hon'ble Supreme Court set aside the controversial "rakhi for bail" condition requiring the accused to visit the complainant's home with a box of sweets, tie a Rakhi, promise to protect her, and give her Rs 11,000 as a customary gift. The Supreme Court noted that these kinds of conditions trivialise the offence and dilutes the offence of sexual harassment by imposing a patriarchal and regressive worldview. The problem with these kinds of conditions is that they tend to go beyond the scope of legal adjudication, into the subjective domain of social and moral policing. A Judge cannot impose any bail condition based upon his own understanding of what is morally right and wrong.





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40. In the case of "**Kunal Kumar Tiwari v. State of Bihar & Anr.**", [(2018) 16 SCC 74], the Hon'ble Supreme Court held that the phrase "interest of justice" as used under Section 437 means "good administration of justice" or "advancing the trial process". In this case, the accused prayed for anticipatory bail against the charges of committing the offence of torturing the wife for dowry. The High Court granted bail on the conditions that he would have to take the wife with him and to keep her with full dignity and care if she is willing to or to establish the good relationship with her. The Hon'ble Supreme Court set aside these conditions holding that these conditions have no nexus with the "good administration of justice" or "advancing the trial process".

41. From the above precedents, it becomes clear that in the gender sensitive matters especially the sexual harassment cases, the courts should follow a considerable strict approach and should also avoid from tendering the community services as a condition of bail.

42. This court thinks that engaging in community services, education, psychological counseling, vocational training and social acceptance are essential for transforming/rehabilitating a criminal's character. Socialization of such accused is also required instead of looking down upon criminals in beginning. Society should also encourage them to return to the mainstream, therefore it becomes suggestive for the police and the Judicial





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System to adopt a reformative approach emphasizing reform as much as punishment. For this purpose Home Department of Rajasthan State has also issued a detailed Gazette Notification vide SO. 23 Dated 10.09.2025 providing clear guidelines issued for community services as punishment as per reference to Clause (f) of sec. 4 of the Bharatiya Nyay Sanhita, 2023 and the relevant provisions of the Bharatiya Nagrik Suraksha Sanhita, 2023. A different kind of community based services with authorized officers and monitoring authorities along with duration of services is well suggestive there for Judicial officers to adopt.

43. Rehabilitation criminal justice focused on helping the offender understand their wrongs and perhaps them to re-enter society as a reformed person, to do this rehabilitation programmes must target the problems that causes the offender to turn to crime in the first place. The factor that can affect the crime rate are generally environmental influences such as use of alcohol and drug, poverty, lack of education, socially deprived people.

44. In fact, there should always be two main ideologies behind criminal justice; Rehabilitative and Punitive Justice. Punitive Justice seeks only to punish the criminal for their wrong doings, assuming that the punishment itself will deter both the individual and other potential wrongdoers from committing further crimes but on the other hand rehabilitative way of Justice may find significant success in reducing recidivism. This approach of





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rehabilitation is based on the ideas that people are not inherently bad. Instead, they are taught to make wrong decisions by environmental influences. This is the classic Nature Versus Nurture argument.

45. Often, it is observed that in cases involving child labour or other offences, a child or accused tends to re-offend, either repeating the same crime or committing a different one, such as theft being followed by another instance of theft. Similar patterns are seen across various types of offences. In such situations, it becomes essential to develop a specific action plan and undertake counseling measures to prevent recurrence, while also identifying and addressing the underlying causes of the criminal behavior.

46. Probation officers and the Child Welfare Committees working in the Districts can also be involved in this task, and they can be assigned the responsibility of monitoring such cases. Furthermore, juvenile court counselors can maintain contact with children even after they are released to their parents, monitoring them, and submit periodic reports to the concerned police station officer/concerned officer.

47. Keeping the above discussion in mind and considering the fact that after the registration of the First Information Report, the investigating officer first comes to know about the reason(s) for the commission of crime by the accused. Many times the accused commits crime due to his circumstances or his bad company or





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due to the adverse economic conditions of his family and/or any other reasons, it is necessary to find out all those reasons and resolve them and bring the accused into the mainstream of the society so that he does not repeat any kind of crime again.

48. In this regard, it appears that no concrete or structured action plan has been developed to identify the underlying causes of criminal behaviour of accused persons, and to address/curb those causes, and to facilitate their rehabilitation so as to reintegrate them into the mainstream of society and to prevent recurrence of crime. Such an approach would not only help in reducing the burden of cases on courts, but would also contribute to the overall development of the individual by steering them away from crime. In turn, this would positively impact society and the nation as a whole. Therefore, it becomes necessary to devise an effective mechanism to identify the reasons behind the commission of offences, address them appropriately, and ensure the rehabilitation and reintegration of offenders into society.

49. In view of the discussions and observations made hereinabove, the **Chief Secretary, Govt. of Rajasthan**, Jaipur, is directed to issue necessary administrative orders and to evolve an action plan for the purpose of identifying the underlying causes of the criminal behaviour of accused persons, to address/curb those causes, and to facilitate their rehabilitation so as to reintegrate them into the mainstream of society and to prevent recurrence of



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crime. The said action will not only reduce the number of crimes but shall also prevent the accused persons from re-offending and help them to reintegrate into the mainstream of society and ensure their rehabilitation.

50. For the proper implementation and monitoring of community service orders, appropriate directions are also issued to the **Chief Secretary, Govt. of Rajasthan, Jaipur** to establish a coordinated and structured mechanism. The Chief Secretary along with the concerned stakeholders viz. Director General of Police, Inspector General of Police and Superintendents of Police etc. shall frame a uniform Standard Operating Procedure (SOP) to be applicable across the State and shall also designate a nodal officer in each District, not below the rank of Superintendent of Police, to supervise its execution. A robust monitoring mechanism shall also be established by way of maintaining registers at the police station level, supported by digital tracking systems, wherever feasible, along with periodic inspections and submission of reports to the concerned courts.

51. For this purpose, the State and District Level Administration may be directed to prepare a database of the offenders involved in the offences of minor nature, first time offenders and especially the young delinquents and do monitoring of the accused with the help of their Social Welfare Officers/Village Development Officers etc.



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52. In order to further strengthen the reformatory approach and enable the courts to make appropriate decisions while awarding the community service, the Chief Secretary shall further direct the Director General of Police, Rajasthan to issue appropriate direction to all the SHOs/IOs within the State to *submit a detailed report as soon as possible and without any delay*, addressing the background and circumstances of the accused and report about it to the concerned Magistrate. Such report shall, inter alia, include an assessment of the probable reasons and circumstances leading to the commission of the offence, including whether the act/crime was driven by any economic hardship, social pressure, coercion, addiction, lack of education, or other compelling necessity. The report shall also briefly evaluate the personal, familial, and socio economic background of the accused, their prior conduct, and the likelihood of reformation. This requirement is intended to assist the court in adopting an appropriate reformatory or corrective approach, including the award of suitable conditions of community service, wherever warranted. However, it is clarified that such observations shall be purely preliminary in nature, and it shall not amount to the determination of guilt, and shall not prejudice the trial pending before the competent trial court in any manner. The preparation of such report shall be in consonance with the constitutional safeguards as provided under the Constitution of





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India, ensuring fairness, objectivity, and respect for the rights and dignity of the accused.

53. In furtherance of ensuring that the award/order of community service issued by the courts is implemented in a meaningful and rehabilitative manner, it is hereby directed that the Superintendent of Police (SP) of the concerned district shall undertake the responsibility of identifying, compiling, and consolidating all matters related to rehabilitation within the district.

54. All the Superintendent of Police in the State of Rajasthan shall prepare a comprehensive and detailed report encompassing such rehabilitation-related aspects and forward the same to the District Magistrate (DM) as well as the Chairperson of the District Legal Services Authority (DLSA). Upon receipt of the said report, the District Magistrate and the Chairperson, DLSA, shall take appropriate and effective steps to ensure proper implementation, monitoring, and facilitation of rehabilitation measures in alignment with the objectives of community service and restorative justice.

55. In this regard, the **Director General of Police**, Rajasthan, Jaipur, shall consider this matter and issue appropriate administrative orders to all the Investigating Officer/Station House Officer throughout the State to prepare a report in a tabular form, or in any other manner deemed administratively appropriate, detailing the family details of the accused persons, his/her





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associations, financial status, and all other relevant factors, detailing the reasons for commission of offence by the accused and the circumstances that compelled him/her to commit the crime. Based on those reasons, the concerned District Collector or Superintendent of Police shall monitor the above cases and in case, counseling is required, then counseling should be made or if the financial condition of the accused and his family is bad, then necessary arrangements should be made by motivating them for self-employment under the schemes of the Central and State Government, so that the accused is not compelled to repeat the crime again. If the criminal act is being committed by the accused due to lack of education, then proper arrangements for his education can also be considered. If the accused has bad company or there is any other reason due to which the crime has been committed by the accused, that reason can also be considered and appropriate orders can be issued regarding its resolution.

56. The Court cannot remain a mere silent spectator in such matters where there is a recurring tendency of accused persons to re-enter into criminal activity. It is, therefore, necessary to adopt a structured and reform-oriented approach aimed at rehabilitation and prevention of recidivism. Accordingly, the **Rajasthan State Legal Services Authority (RSLSA)** is hereby directed to formulate an appropriate scheme/plan to ensure that accused persons, particularly those involved in minor and repeat offences,





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are effectively rehabilitated and do not relapse into criminal behaviour. The scheme shall, inter alia, include provisions for counseling, skill development, community integration, and other corrective measures tailored to address the root causes leading to the commission of offences.

57. Additionally, **the Chairperson of the District Legal Service Authority & Chairman, Taluka Vidhik Sewa Samiti** can identify such cases based on the State Legal Services Authority's action plan (rules) and take legal action. This will not only reduce the number of crimes but also contribute to the development of society and the nation, by encouraging the accused to abandon their crimes and to return to the mainstream of society. There is no monitoring, nor is any rehabilitation being provided, to ensure that offenders do not re-offend after receiving probation, acquittal, or bail.

58. Further, the **District Legal Services Authorities (DLSAs)** are directed to ensure that the special reports submitted by the SHO/Investigating Officer with respect to the rehabilitation of the accused are comprehensive, meaningful, and not merely formal in nature. The DLSAs shall also ensure proper execution and follow-up of the rehabilitation measures suggested in such reports.

59. The Chairperson of the DLSA is also directed to actively coordinate with the local police authorities and administration. A proper database of such cases shall be prepared and maintained,





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and the same shall be reviewed periodically, at least once every two months, to assess progress in rehabilitation and to take corrective steps wherever necessary.

60. The concerned authorities shall ensure that the entire exercise is carried out in a systematic and result-oriented manner so that the objective of reformation and reintegration of the accused into society is effectively achieved.

61. Coming back to the conclusion of this bail application, this Court is well aware that although this is the case of bail only but hoping anti-recidivism of criminal activities by these accused in future and taking into consideration the offence committed by both accused in past wherein they are at the trial stage, this Court deems it proper to engage them in community service.

62. Therefore, keeping in view the principles laid down in the above decisions, as also taking into account the facts that no recovery remains to be affected from the accused/applicants, the offences alleged against them, their custody period and the facts and circumstances of the case, this Court deems it appropriate to grant the benefit of bail to the accused/applicants without commenting on the merits and demerits of the case.

63. Furthermore, taking note of the criminal antecedents registered against the accused applicants, as an extended interpretation of the provisions of the Community Service as enshrined under BNSS, and as a reformative approach to re-





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include the accused applicants back in the Society with the better vision, aim and zeal in life, this Court deems it fit to award an ancillary condition upon the applicants. Therefore, it is directed that the accused applicants shall perform the community service by planting at least five trees per day for a period of 30 days and water these plants daily in their respective villages/town/city where they are residing. The said Community Service shall commence within one week from the date of pronouncement of this order. Concerned District Forest Officer, Forest department/Concerned Superior Officer of Forest Department is hereby directed to provide these daily needed plants to these accused at the places of plantation daily that too free of cost and shall ensure that the compliance report is submitted to concerned police station in writing with supporting photographs and video proofs. The concerned trial Court shall also intimate about this order to the concerned District Forest Officer and in turn the District Forest Officer shall submit the compliance report of accomplishment of community service by the accused-applicants back to the concerned trial Court.

64. Consequently, both the bail applications under Section 483 of B.N.S.S. are allowed and it is ordered that accused/applicants (1) **Waris alias Lahki S/o Hakeem** (2) **Usman alias Andha S/o Subhan Khan** shall be enlarged on bail provided each of them furnish a personal bond in the sum of Rs.1 lakh with two strong





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sureties of Rs.50,000/- each to the satisfaction of the learned trial judge for their appearance before the Court concerned on all the dates of hearing as and when called upon to do so. Both the accused-applicants shall also furnish an undertaking before the concerned trial Court that they shall perform the community service as directed hereinabove.

65. A copy of this order be placed before Hon'ble the Acting Chief Justice, Rajasthan High Court through Registrar General, Rajasthan High Court with a request to circulate this among all the District Judges and Chairperson, DLSAs for supervision and implementation of Community Services awarded to the offenders.

66. A copy of this order be sent to the Chief Secretary, Govt. of Rajasthan, Jaipur as well as the Director General of Police, Rajasthan for compliance and necessary action in three months.

67. List this matter after three months for monitoring the compliance of the order instant.

(CHANDRA PRAKASH SHRIMALI),J

Gaurav/Res.

