

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case: Bail app No. 69/2022
c/w
OWP No. 282/2016
CRM(M) No. 112/2022.

Shahid Buch.

...Petitioner(s)/Appellant(s)

Through: Mr. Farhan Mirza, Advocate.

V/s

Union Territory of J&K.

.... Respondent(s)

Through: Ms. Nazia Fazel, Assisting counsel to
Ms. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
31.12.2024

Bail app No. 69/2022

01. Registration of FIR No. 01/2022 dated 01.01.2022 by the Police Station Anti Corruption Bureau by reference to the petitioner has led the petitioner herein to approach this Court simultaneously with two petitions one being petition CRM(M) No. 112/2022 seeking quashment of the aforesaid FIR and the other one as being BA No. 69/2022 thereby seeking pre-arrest bail.

02. This Court came to grant indulgence in quashment petition CRM(M) No.112/2022 by staying the investigation proceedings to the extent of the petitioner under impugned FIR and, as such, that dispensed with any occasion for considering the Bail Application of the petitioner.

03. The petitioner has come forward seeking pre arrest bail. Since the final outcome of the quashment proceedings in CRM(M) No. 112/2022 is going to determine as to whether the FIR against the petitioner sustains the investigation qua the petitioner as such for the time being BA No.69/2022 is pre- mature and rendered infructuous. Therefore, the bail application is sent to records without any prejudice to the right of the petitioner that in the outcome of the quashment petition CRM(M) No. 112/2022 coming adverse against him then the petitioner shall be entitled to seek and ask for pre-arrest (anticipatory) bail in his favour by laying a motion to the said effect before this Court or for that matter before the Court below.

04. Bail application No. 69/2022 is dismissed accordingly.

CRM(M) No. 112/2022

05. Since this Court came to stay the investigation in FIR No. 01/2022 against the petitioner and where as with respect to the alleged involvement of JDA officials in relation to the alleged acts of omissions and commission facilitating the petitioner to undertake the construction without availing requisite building permission from JDA, the investigation remained on, on the last date of hearing Investigating Officer- Anti Corruption Bureau was directed to come with the production of the case diary file which today Mr. Mohd. Bashir, Inspector, Police Station Anti Corruption Bureau ACB Jammu has produced and the same is kept retained to be returned on the next date of hearing for enabling this court to see as to whether the investigation has so far confirmed the fact as to whether the village Chatter Singh Garden Satwari Jammu in context of 03 Kanals bearing khasra No. 186, khewat No. 2, khata No. 74 khasra no. 186, khata No., 74 and

khewat no. 2 at the relevant point of time in the year 2015 came to be within the territorial jurisdiction of Jammu Development Authority or not.

06. List on 19th February 2025.

07. Interim direction dated 25.02.2022 to continue until recalled or modified.

OWP No. 282/2016

08. Send for the records of file No. STJ/263/2015 titled '*Shahid Buch vs. Building Operation Controlling Authority Jammu Development Authority, Municipal Corporation, Jammu and ors.*' disposed of vide order dated 24.09.2015 by Jammu and Kashmir Special Tribunal Jammu.

09. Registrar Judicial Jammu to requisition the said record by or before the next date.

Jammu
31.12.2024
Sunita/PS



(RAHUL BHARTI)
JUDGE