

Serial No. 03

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

Bail App. No. 42/2025

Lucky Singh & Ors.

.....Petitioners

Through: Mr. Idrees Saleem Dar, Advocate
Mr. Lakhvinder Singh, Advocate

Vs

UT of J&K

.....Respondents

Through:

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
(06.10.2025)

- 01.** The petitioners through the medium of the present petition, are seeking bail in a case arising out of FIR No. 228/2024 for offences under Sections 140/103/310(3)/62/319(2)/354 BNS read with Section 4/25 Arms Act, 52/182-A(4) MV Act registered with Police Station Nagrota, Jammu, which is stated to be pending before the court of Additional Sessions Judge, Jammu.
- 02.** It appears that the petitioners herein are involved in the aforesaid case and the challan stands already filed before the trial court. As per the challen offences under Sections 238/249/253/254/347 of BNS read with

4/25 of Arms Act, were found established against the petitioners whereas in respect of other co-accused offences under Sections 140/103/310(3)/61(2)/238/347 of BNS read with 4/25 of Arms Act, 52/182-A(4) of MV Act, were found established.

03. After filing of the charge sheet, the petitioners moved an application before the trial court for grant of bail. The said application came to be dismissed by the learned trial court in terms of order dated 07.02.2025. It seems that thereafter vide order dated 27.02.2025 charges came to be framed against the accused persons. As per the said order, charges for offences under Sections 249/253/254/347/238 of BNS read with 4/25 of Arms Act were framed against the petitioners whereas charges for offences under Sections 140/103/310(3)/61(2)/238/347 of BNS read with 4/25 of Arms Act, 52/182-A(4) of MV Act, came to be framed against the co-accused. Thus, at the time when the bail application of petitioners was dismissed by the learned trial court, the charges against the petitioners had not been framed.

04. A perusal of the order dated 07.02.2025 passed by the learned trial court whereby the bail application of the petitioners was dismissed, would reveal that the

learned trial court was persuaded to dismiss the bail application of the petitioners as at that time the trial court, it seems was not sure about the exact role of the petitioners in the alleged crime. This can be gathered from the observations made by the learned trial court in its order dated 07.02.2025 wherein it has been stated that *“the role allegedly played by applicants in the alteration of vehicle and in keeping of weapons recovered from the vehicle, is not liable to be commented in the application for bail when charge/discharge order is still to be passed”*.

05. Now that the learned trial court has after considering the entire material on record, come to the conclusion that the petitioners are only involved in offences for which they have been charged and not for the offences of murder and dacoity, it would be appropriate if the petitioners approach the trial court afresh with a bail application which can be considered by the learned trial court in view of the changed circumstance of framing of charge against the petitioners for lesser offences.

06. Accordingly, the writ petition is disposed of with liberty to the petitioners to approach the learned trial court with a fresh application for grant of bail. As and when such application is made by the petitioners before the

trial court, the same shall be disposed of by the said court in accordance with law after hearing the parties most expeditiously preferably within a period of one month from the date the bail application is moved by the petitioners.

07. *Disposed of.*

**(SANJAY DHAR)
JUDGE**

**JAMMU
06.10.2025
SUNIL**

Whether the order is speaking ? : Yes
Whether the order is reportable ? : No

