

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

**Bail App No. 79/2025 c/w
CRM(M) No. 248/2025**

Sakhraiaz Ahmed & Anr.

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

Through: Mr. Mazher Ali Khan, Advocate.

Vs

..... Respondent(s)

U.T of J&K & Ors.

Through: Mr. Eishaan Dadhichi, GA for R-1 to 3.
Mr. Anil Gupta, Advocate for R-4.

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

**ORDER
(14.11.2025)**

Bail App No. 79/2025

- 01.** Petitioners, namely, Sakhraiaz Ahmed and Mohd. Rayees Khan in the instant bail application, seek grant of bail in a case registered at Police Station Gursai, vide FIR No. 12/2025 on 10.03.2025, for the commission of offences punishable under Sections 115(2), 126 (2) & 74 of BNS, 2023 on the complaint filed by respondent No. 4.
- 02.** It is submitted that the petitioners are in the possession of the land measuring 13 Marlas falling under Khasra No. 742, 740 and 743 situated at Village Galhutta, Mendhar Gursai, District Poonch and they have constructed residential house on the said land and also using the land for grazing purposes since then and adjacent to the land of the petitioners there is Khasra No. 1384 which is a State land and respondent No. 4 and her family under the garb of State land wants to illegally grab the land of the petitioners and even with respect to the same the father of respondent No.4 namely, Abdul Rashid Khan, has also moved an application dated

05.03.2025, to the SDM, Mendhar against the petitioners herein and respondent No. 3 despite of having knowledge there is civil dispute is pending between the petitioners and respondent No.4 and her family, the respondent No.4 in connivance with the respondent No.3 and in order to give criminal colour to the civil litigation, lodged false and frivolous FIR against the petitioners herein.

- 03.** While issuing notice to the other side on 25.03.2025, the petitioners were admitted to interim bail in anticipation of their arrest, awaiting objections.
- 04.** Objections in the instant bail application stands filed by the official respondents stating that complainant, namely, Rubia Rasheed D/O Abdul Rashid R/O Galhutta, Tehsil Mendhar, lodged a written report on 10.03.2025, against the petitioners herein, alleging that on 06.03.2025, complainant was on way towards a shop, accused persons with criminal intention restrained her way and started beating her with sticks, due to which complainant got injured, as such, a case was registered vide FIR No. 12/2025 for the commission of offences punishable under Sections 126(2), 115(2) & 74 BNS. During the course of investigation, offences under Sections 3(5) & 351(2) BNS were added in the case and as per investigation, offences punishable under Sections 126(2), 115(2), 74, 3(5) & 351(2) of BNS have been established against the petitioners herein.
- 05.** Mr. Anil Gupta, Advocate appears on behalf of the complainant, has not filed objections, however, argued that the petitioners are not entitled to be admitted to bail and prays that their bail application be rejected.
- 06.** Heard and considered.
- 07.** On perusal of the objections filed by the official respondents, it has been found that all the petitioners have been alleged to have committed

offences punishable under Sections 115(2), 126(2) & 74 BNS. Section 115(3) BNS is punishable with imprisonment of up to one year, a fine of upto Rs. 10,000/- or both. Offence under Section 126 (2) of BNS is punishable with imprisonment which may extend to one month, a fine of up to Rs. 5000/- or both, whereas, offences under Section 74 BNS is punishable with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine.

08. Having regard to the allegations and objections filed by the official respondents, this Court is of the considered opinion that the petitioners are entitled to be admitted to bail in anticipation of their arrest.
09. In this view of the matter, the instant bail application is disposed of and the petitioners, in the event of their arrest are ordered to be admitted to bail, subject to following conditions:-
 - (i) That they shall furnish one solvent surety to the tune of Rs. 50,000/- each and personal bonds of like amount to the satisfaction of SHO of the concerned Police Station.
 - (ii) That they shall not hamper the investigation or tamper with the prosecution evidence, in any manner, whatsoever.
 - (iii) That they shall appear before the Investigating Officer as and when required.
 - (iv) That they shall not leave the limits of UT of J&K without seeking permission of the Investigating Officer.
10. The instant bail application is, '*disposed of*' along with connected application(s)

CRM(M) No. 248/2025

This petition is ordered to be segregated and ordered to be listed before the appropriate Bench on **15.12.2025**.

(M A CHOWDHARY)
JUDGE

Jammu
14.11.2025
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