

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

Bail App No. 95/2025
CrIM Nos.556/2025 & 664/2025

Reserved on: 19.11.2025
Pronounced on: 28.11.2025
Uploaded on: 28.11.2025

*Whether the operative part or full judgment is
pronounced-**Full Judgment***

Mohd Abdullah

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

Through: Mr. Irfan Khan, Advocate
(through virtual mode)

Vs

U.T of J&K & Anr.

..... Respondent(s)

Through: Mr. Pawan Dev Singh, Dy. AG

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

Bail App No. 95/2025

- 01.** Petitioner, namely, Mohd Abdullah filed the instant bail application, alleging his false implication, seeks grant of bail in a case registered at Police Station Bahu Fort, Jammu vide FIR No. 59/2025 on 19.02.2025, for commission of offences punishable under Sections 109, 110, 310, 130, 131, 61 and 351 of BNS, with the allegation that he is involved in a heinous case for attempt to murder, robbery, physical assault and criminal conspiracy..
- 02.** It has been alleged that the petitioner has been implicated in this false case by the complainant and his arrest in the case shall be detrimental to his interest as he is pursuing his studies as B. Pharmacy in 'Inder Kumar Gujral Punjab Technical University'.

- 03.** The petitioner, on 05.03.2025 filed application for grant of bail and the court of learned Judicial Magistrate (Sub Judge), Jammu vide order dated 11.03.2025 rejected the same being devoid of merits. Subsequently, bail application filed on 12.03.2025 before Principal Sessions Court, Jammu was also dismissed. This court, vide order dated 02.05.2025, however, admitted the applicant to interim bail.
- 04.** The respondents-Union Territory, filed the objections to the Bail Application, pleading that as per the evidence collected and investigation conducted, the offences U/S 109/110/310/130/131/61/351 BNS, and 04/2025 Arms Act were proved against 10 accused. A perusal of the objections would show that investigating agency has not levelled any specific allegations against the applicant in its objections. Along with the objections on behalf of respondent no.2, a detailed factual report/Status report dated 08.04.2025 also came to be filed before this court by SHO, P/S Bahu Fort, Jammu, in which, it is stated that during search, applicant was arrested on 03.03.2025. Mohd. Arif was sent to District Jail Amphalla, Jammu up to 26.04.2025. The status report would further show that as per site plan of place of occurrence, statement of eye witnesses u/s 180 BNSS and 183 BNSS, seizure memo of blood stained clothes of injured, recovery/seizure memo of offence Rod and Toka, disclosure memo of accused persons, offences u/s 109/110/310/131/61/351 BNS, 04/25 Arms Act were proved against nine persons including the applicant herein.
- 05.** Heard and considered.

- 06.** On perusal of the objections filed by the Investigating Agency, it has been found that the petitioner has been alleged to have committed offences punishable under Sections 109 (Attempt to murder), 110 (Attempt to commit culpable homicide), 310 (Dacoity), 131 (Assault or criminal force otherwise than on grave provocation), 61 (criminal conspiracy) and 351 (criminal intimidation) of BNS. Offence u/s 310 BNS is punishable with imprisonment for life, or with rigorous imprisonment for a term which may extend to 10 years and fine; and offence u/s 109 is punishable with imprisonment for life, or imprisonment for a term which may extend to 10 years and fine, whereas all other offences under the aforesaid sections of BNS carry lesser punishments.
- 07.** The respondents have not pointed any contravention of any of the conditions of the interim bail by the petitioner herein. Since the investigation of the case is almost complete, and the fact that the applicant is a young person pursuing his academic career in a University it will be in the interest of justice that the petitioner is admitted to bail.
- 08.** Having regard to the allegations and objections filed by the Investigating Agency and considering the nature of the offences with which the petitioner has been charged and also viewing that bail is the rule and jail is the exception, this Court is of the considered opinion that the petitioner is entitled to be admitted to bail, particularly so when he is not the prime accused but only is alleged to have abetted the offence. It will be in the interest of justice that the plea for grant of bail is not declined by this Court.

- 09.** In this view of the aforesaid backdrop of the matter, the bail application is allowed and the interim bail granted to the petitioner/applicant vide order dated 02.05.2025 is made absolute subject to all the conditions therein.
- 10.** The bail application is, '*disposed of*' along with connected application(s), if any.

**(M A CHOWDHARY)
JUDGE**

Jammu
28.11.2025
Raj Kumar

