

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

Reserved on: 21.08.2025
Pronounced on: 16. 09.2025

Bail App No. 227/2024
CrIM No. 1479/2024

Mohd. Din aged 25 years
S/o Sab Din R/o Mawa Madoon, Treli,
Tehsil Rajpura, District Samba
Presently lodged at District Jail Kathua

....Petitioner(s)

Through: Mr. S M Wajahat, Advocate

Vs

1. Union Territory of J&K through Superintendent Jail Kathua
2. Incharge/ SHO Police Station, Vijaypur, Samba
3. Miss x C/o Police Station, Vijaypur, Samba

....Respondent(s)

Through: Mr. Vishal Bharti, Dy AG

Bail App No. 177/2024

Mushtaq Ahmed alias Ghungi, age 23 years
S/o Mohd Musa alias Musa R/o Village Maralian,
Miran Sahib, R.S.Pura,
A/p Troti Jourian Tehsil Akhnoor, District Jammu
Presently lodged at Central Jail Kot Bhalwal, Jammu

....Petitioner(s)

Through: Mr. Rakesh Chagotra, Sr. Advocate
Mr. Sahil Singh, Advocate

Vs

Union Territory of J&K through Incharge/SHO
Police Station, Vijaypur.

....Respondent

Through: Mr. Vishal Bharti, Dy AG

CORAM: HON'BLE Mr. JUSTICE WASIM SADIQ NARGAL, JUDGE

JUDGMENT

1. Since the FIR in question registered at Police Station, Vijaypur for the commission of offences punishable under Sections 376-D, 323, 366, 506 & 212 IPC against the petitioners, both the bail applications are proposed to be disposed of by this common judgment.

Bail App No. 227/2024

2. The petitioner has sought indulgence of this Court under the provisions of Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as '*BNSS*' for short) for grant of bail in FIR bearing No. 08/2021 registered with Police Station, Vijaypur against him for commission of offences punishable under Sections 376-D, 323, 366, 506, & 212 of the Indian Penal Code (IPC).
3. Facts in brief of the case are that on 12.01.2021 at about 06:00 hrs, while the prosecutrix was on a morning walk near Sucheni railway crossing, she was forcibly abducted in a vehicle by the accused persons. She was subjected to gang rape by three individuals one after another, who assaulted her on the head and her mouth was gagged to prevent her from screaming. Later, she managed to return home at around 07:20 hrs and narrated the whole incident to her family. Thereafter, the prosecutrix alongwith her maternal uncle and his son lodged a written complaint at Police Station, Vijaypur.
4. On the basis of written complaint of the prosecutrix, FIR bearing No. 08/2021 for commission of offences under Sections 376-D, 323, 366,

506, & 212 of the Indian Penal Code came to be registered at Police Station Vijaypur against the petitioner/accused.

5. During the investigation, Investigating Officer (I.O) got the prosecutrix medically examined, her clothes were seized, site plan was prepared, forensic samples were sent to CFSL, Chandigarh and the statements of the witnesses were also got recorded under Section 161 of Code of Criminal Procedure.
6. During further investigation, accused Mohd. Anwar and Showket Ali were arrested, who admitted their involvement and disclosed the names of co-accused Mohd. Din, Mushtaq Ahmed, and one Juvenile (name withheld), who were also arrested. On the disclosure of the accused Showket Ali, vehicle used in the commission of the offence (Mahindra Bolero with fake number plate PB35D-3303) was also seized. The prosecutrix identified four accused in a test identification parade and their blood and DNA samples as well as sample of prosecutrix were collected and were sent to CFSL, Chandigarh for histopathology examination/DNA profiling. The statement of the prosecutrix was also recorded under section 164 of the CrPC.
7. However, accused Mushtaq Ahmed and Fareed Ahmed remained absconding after the commission of the offence and could not be traced. Fareed Ahmed allegedly harboured Anwar and Showket in his house and provided logistics support with the intention of protecting them from legal punishment, despite knowing their involvement in the commission

of the offence. Moreover, accused Fareed Ahmed is also absconding after the commission of the offence and is evading his arrest.

8. Based on the investigation conducted, offences under Sections 376-D, 366, 323, 506, and 212 of the Indian Penal Code were established against Mohd. Anwar, Showket Ali, Mohd. Din, a juvenile (name withheld), Mushtaq Ahmed, and Fareed Ahmed.
9. After the presentation of the challan, the petitioner/accused herein had preferred a bail application before the Court of learned Principal Session Judge, Samba (for short, the trial court) on 21.11.2023, which came to be rejected by the trial Court vide order dated 06.07.2024.
10. The case setup by the petitioner herein in the instant bail application while praying for bail is that there is no direct evidence connecting the petitioner with the commission of alleged offences and that the case is based upon circumstantial evidence and statements of the other co-accused recorded during the course of investigation under section 161 CrPc. The petitioner has also urged the ground that the learned trial court has not considered the averments made in the application that the applicants are behind the bar for the last more than 03 years, yet the fact remains that there is no direct or indirect evidence against the applicants and the Court below without considering these aspects of the case rejected the bail application of the applicant, hence the order of rejection is bad and the applicant is required to be admitted on bail.
11. It is further contended that offences alleged to have been committed by the petitioner/accused herein are not made out against him and that the

trial court rejected the bail application of the petitioner without appreciating true facts and as well as the legal position. The accused/petitioner herein is stated to have not committed any offence and is said to have been arrayed as an accused on the basis of the statements of other co-accused and the prosecutrix.

Bail App 177/2024

12. The learned Senior counsel appearing on behalf of the petitioner, Mr. Rakesh Chargoitra submits that the prosecution case, as reflected in FIR No. 8/2021 registered at Police Station Vijaypur, alleges that the prosecutrix, aged 65 years, was abducted and subjected to sexual assault by multiple accused persons, including the present petitioner. The FIR was registered for offences punishable under Sections 376-D, 323, 366, 506, and 212 IPC, and subsequently investigation culminated in filing of the charge-sheet against the petitioner and other co-accused.
13. Learned Senior counsel further submits that the trial court, vide order dated 18.02.2022, framed charges against the petitioner and co-accused and directed the prosecution to lead evidence. However, despite the lapse of almost three years, only 11 out of 30 cited witnesses have been examined. It is argued that the delay in trial is solely attributable to the prosecution, which has failed to produce its witnesses despite repeated opportunities.
14. Learned Senior counsel further submits that the petitioner has remained in custody since August 2021 and the prolonged incarceration without

conclusion of trial amounts to pre-trial punishment, which is impermissible in law.

15. Learned Senior counsel further submits that the case of the prosecution rests solely on the statement of the prosecutrix, which, according to the petitioner, is improbable and lacks corroboration. There is no eye-witness to the incident. The improbabilities in the prosecution version render the case doubtful, and in such circumstances, continued incarceration of the petitioner is unjustified.
16. It is submitted that the petitioner's earlier bail application came to be dismissed by the learned trial court vide order dated 06.07.2024. However, it is contended that the learned trial Court has failed to consider the settled legal position that when trial is delayed due to the prosecution's inaction, further custody of the accused amounts to violation of the constitutional guarantee of personal liberty.
17. Learned counsel submits that the petitioner undertakes to abide by any terms and conditions imposed by this Hon'ble Court. He further undertakes not to tamper with the prosecution evidence or influence witnesses in any manner. The petitioner is in custody since August 2021 and there is no material to suggest that he is in a position to interfere with the course of justice.
18. Learned counsel further submits that there is no apprehension of the petitioner fleeing from justice. It is further argued that the mere seriousness of the allegations cannot be a ground to deny bail indefinitely, when the trial is not likely to conclude in the near future.

The balance between the right of the petitioner to personal liberty and the interest of fair trial tilts in favour of enlarging him on bail, particularly in view of the prosecution's failure to conclude the trial despite sufficient opportunity.

19. *Per Contra*, the learned counsel for the respondents, Mr. Vishal Bharti, submits that the present bail application is not maintainable, having regard to the grave and heinous nature of the offences alleged against the petitioner in FIR No. 08/2021 registered at Police Station Vijaypur, for offences punishable under Sections 376-D, 366, 506, and 323 IPC.
20. Mr. Bharti further submits that during custodial interrogation, the petitioner made incriminating disclosures, identified the scene of crime, and led to recovery of material evidence in the presence of an Executive Magistrate. The complainant also identified the petitioner during a legally conducted Test Identification Parade (TIP). He further contends that medical and forensic evidence corroborate the prosecution's case. The petitioner was found to be medically fit to perform sexual intercourse, and relevant biological samples, including vaginal swabs of the victim, were forwarded to CFSL Chandigarh. Moreover, Call Detail Records (CDRs) and CAF analysis of the mobile number linked to the petitioner further support his presence at the time of the offence.
21. The learned counsel has emphasized that in cases involving heinous crimes, the courts must carefully consider several factors while deciding bail. These factors include the nature of the offence, the potential threat

to witnesses, the risk of the accused absconding, and the broader public interest.

22. Given the seriousness of the offence, the likelihood of tampering with evidence, and the conduct of the petitioner, it is submitted that his release would seriously prejudice the fair trial process. Accordingly, the learned counsel prays that the present bail application be dismissed in the interest of justice.
23. **Heard learned counsel for the parties and perused the record.**
24. Learned counsel for the petitioners while reiterating the contentions raised and grounds urged in the instant application insist for grant of bail in favour of the accused/petitioners herein, whereas, the counsel for the respondents controverts the instant applications on the basis of objections filed and oppose the grant of bail to the accused/petitioners.
25. It is well recognized that prolonged incarceration during the trial period, without commensurate progress in the case, raises serious concerns regarding the fundamental right of the accused to a speedy trial. In the present matter, the fact that only 11 prosecution witnesses out of 30 have been examined over a period of three years underscores a significant delay attributable to the prosecution. Such delay cannot be overlooked lightly, as they contribute to undue hardship and potential injustice to the accused, who remains deprived of liberty without adjudication on merits.
26. However, it is equally imperative to balance this consideration with the gravity of the offence involved. In cases, where the alleged crime is heinous, the courts have consistently held that the serious nature of the

offence, coupled with the potential threat to witnesses, risk of absconding, and larger public interest, must weigh heavily against the grant of bail. The delay in recording witnesses, though unfortunate, does not *ipso facto* entitle the accused to bail in such circumstances.

27. The law mandates that the right to liberty during trial must be balanced against the interest of justice and the safety of society. Prolonged pre-trial incarceration may justify bail where the delay is unreasonable and the offence is not of a serious nature. Conversely, in heinous crime cases, delay is only one factor among many and cannot override the risk posed by the accused's release.
28. Therefore, while the extended incarceration and slow progress in the trial process may be grounds for concern, they do not automatically warrant bail where the offense is heinous and the factors militating against bail remain compelling. While prolonged detention and delays in the trial process are valid concerns, they do not, by themselves, justify granting bail in cases involving heinous offences, where strong reasons against bail persist.
29. Before proceeding further in the matter, it becomes imperative to refer to the law laid down by the Hon'ble Apex Court from time to time on the subject of bail and issues connected thereto. The Hon'ble Apex Court in case titled as **Ash Mohammad Vs. Shiv Raj Singh alias Lalla Babu and another, (2012)9 SCC 446**, has held as under:

“We may usefully state that when the citizens are scared to lead a peaceful life and this kind of offences usher in an impediment in establishment of orderly society, the duty of the court becomes more

pronounced and the burden is heavy. There should have been proper analysis of the criminal antecedents. Needless to say, imposition of conditions is subsequent to the order admitting an accused to bail. The question should be posed whether the accused deserves to be enlarged on bail or not and only thereafter issue of imposing conditions would arise. We do not deny for a moment that period of custody is a relevant factor but simultaneously the totality of circumstances and the criminal antecedents are also to be weighed.”

30. The well-settled principle commonly referred to as the “law of gravity” governs the exercise of judicial discretion in bail applications, emphasizing the nature and gravity of the alleged offense. In cases involving heinous crimes, where the seriousness of the charges is significant, alongside the potential threat to witnesses, the possibility of tampering with evidence, and the risk of the accused absconding, a cautious approach is imperative. The gravity of the offense justifies the continued custody of the accused to ensure the proper administration of justice, maintain public confidence in the judicial process, and safeguard the interests of society at large. Consequently, refusal of bail in such circumstances, grounded in the “law of gravity,” represents a reasoned and judicious exercise of discretion consistent with established legal principles.

31. Reliance is placed upon case titled as **Manik Madhukar Sarve & Ors. v. Vitthal Damuji Meher & Ors.(Criminal Appeal No. 3573 of 2024, decided on 28.08.2024**, wherein the Apex Court has held as under;

“Courts while granting bail are required to consider relevant factors such as nature of the accusation, role ascribed to the accused concerned,

possibilities/chances of tampering with the evidence and/or witnesses, antecedents, flight risk ,in **Ajwar v Waseem, 2024 SCC OnLine SC 974**, apropos relevant parameters for granting bail, observed:

"26. While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail."

32. Further in **Prasanta Kumar Sarkar (S) v. Ashis Chatterjee & Anr.**

(S), (2010) 14 SCC 496, the following relevant principles were reiterated by Hon'ble Apex Court:

'9. ... It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are;

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;
- (ii) nature and gravity of the accusation;
- (iii) severity of the punishment in the event of conviction,
- (iv) danger of the accused absconding or fleeing, if released on bail;
- (v) character, behaviour, means, position and standing of the accused;
- (vi) likelihood of the offence being repeated;
- (vii) reasonable apprehension of the witnesses being influenced; and
- (viii) danger, of course, of justice being thwarted by grant of bail.'

33. Further, a reference to the judgment of the Apex Court passed in **"Anil**

Kumar Yadav Vs. State (NCT of Delhi), reported in 2018 (12) SCC

129, would be appropriate and relevant herein, wherein at para 17 and 18

the following has been provided: -

“17. While granting bail, the relevant considerations are:- (i) nature of seriousness of the offence; (ii) character of the evidence and circumstances which are peculiar to the accused; and (iii) likelihood of the accused fleeing from justice; (iv) the impact that his release may make on the prosecution witnesses, its impact on the society; and (v) likelihood of his tampering. No doubt, this list is not exhaustive. There are no hard and fast rules regarding grant or refusal of bail, each case has to be considered on its own merits. The matter always calls for judicious exercise of discretion by the Court.”

“18. While considering the basic requirements for grant of bail, in State of U.P. through CBI v. Amarmani Tripathi, this Court has held as under:-

"18. It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail [see Prahlad Singh Bhati v. NCT, Delhi and Gurcharan Singh v. State (NCT of Delhi). While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in Kalyan Chandra Sarkar v. Rajesh Ranjan

“11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is

charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

- (a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.
- (b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.
- (c) Prima facie satisfaction of the court in support of the charge. (See *Ram Govind Upadhyay v. Sudarshan Singh* and *Puran v. Rambilas*).

- 34.** Thus , the Apex Court has consistently held that while considering bail applications, courts must exercise their discretion judiciously and cautiously, taking into account the nature and gravity of the offense, the role of the accused, their criminal antecedents, and the likelihood of tampering with evidence or witnesses. Additionally, factors such as the risk of absconding, potential obstruction of justice, and the possibility of the accused repeating the offense are critical. Although the period of custody is a relevant consideration, it must be weighed alongside the totality of circumstances to ensure that granting bail does not compromise public safety or the integrity of the judicial process.
- 35.** In the present bail applications, charges for the offence under section 376-D/366/323/506 IPC have been framed against the applicants/ accused vide order dated 18.02.2022 and out of the 30 prosecution witnesses, six witnesses were examined during the course of the trial initially. Subsequently, during the pendency of the present bail applications, five additional witnesses were examined, bringing the total number of witnesses examined to eleven.

36. Learned counsel for the petitioners vehemently argued that the FIR against the petitioners has been filed on the flimsy grounds and that the petitioners have been falsely implicated by the complainant. However, as per the material available on record including the statements of the victim recorded under section 164 CrPC and statements of other witnesses recorded before the learned trial court, it cannot be said that there is no evidence against the accused and the accused are not guilty of offense punishable under section 376-D IPC.
37. In the instant matter, the applicants/accused have sought the concession of bail contending that they have been falsely implicated and that the FIR lodged by the complainant is nothing but a fabricated and manipulated version. This Court, however, finds no merit in such contention. A perusal of the material placed on record, including the statement of the victim recorded under Section 164 Cr.P.C. as well as the statements of other witnesses, clearly indicates that, at this stage, it cannot be held that there is no evidence against the accused. On the contrary, the available record prima facie discloses their involvement in the commission of the alleged offence, and therefore, it cannot be said that the applicants are not guilty of the offence punishable under Section 376-D IPC.
38. This Court fortifies its view with the decision of Hon'ble Supreme Court in case titled **“Neeru Yadav Vs. State of Uttar Pradesh and Another”**, reported in 2014 (16) SCC 508 wherein, at paras 9, 10 and 16 it has been held as under: -

9. In this context, a fruitful reference be made to the pronouncement in *Ram Govind Upadhyay V. Sudarshan Singh*, wherein this court has observed that grant of bail though discretionary in nature, yet such exercise cannot be arbitrary, capricious and injudicious, for the heinous nature of the crime warrants more caution and there is greater change of rejection of bail, though, however dependent on the factual matrix of the matter. In the said decision, reference was made to *Prahlad Singh Bhati v. NCT of Delhi* and the court opined thus: (*Sudarshan Singh* case, SCC p.602, para 4)

(a) “While granting bail the court has to keep in mind not only the nature of the accusations, but the severity of the punishment, if the accusation entails a conviction and the nature of evidence in support of the accusations.

(b) Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complaint should also weigh with the court in the matter of grant of bail.

(c) While it is not expected to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought always to be a prima facie satisfaction of the court in support of the charge.

(d) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail, and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail”

“10. In *Chaman Lal v. State of U.P.*, the court has laid down certain factors, namely, the nature of accusation, severity of punishment in case of conviction and the character of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant, and prima facie satisfaction of the court in support of the charge, which are to be kept in mind.

“16. The issue that is presented before us is whether this court can annul the order passed by the High Court and curtail the liberty of the second respondent? We are not oblivious of the fact that liberty is priceless treasure for a human being. It is founded on the bedrock of the constitutional right and accentuated further on the human rights principle. It is basically a natural right. In fact, some regard it as the grammar of life. No one would like to lose his liberty or barter it

for all the wealth of the world. People from centuries have fought for liberty, for absence of liberty causes sense of emptiness. The sanctity of liberty is the fulcrum of any civilized society. It is a cardinal value on which the civilization rests. It cannot be paralyzed and immobilized. Deprivation of liberty of a person has enormous impact on his mind as well as body. A democratic body polity which is wedded to the rule of law, anxiously guards liberty. But, a pregnant and significant one, the liberty of an individual is not absolute. Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the collective and to the society. Accent on individual liberty cannot be pyramided to that extent which would bring chaos and anarchy to a society. A society expects responsibility and accountability from its members, and it desires that the citizens should obey the law, respecting it as a cherished social norm. No individual can make an attempt to create a concavity in the stem of social stream. It is impermissible. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly things which the society disapproves, the legal consequences are bound to follow. At that stage, the court has duty. It cannot abandon its sacrosanct obligation and pass an order at its own whim or caprice. It has to be guided by the established parameters of law”.

39. Keeping in view the aforesaid legal position in mind, the instant bail applications are required to be considered. The grounds urged by the accused/petitioners herein for grant of bail are that there is no direct evidence connecting the petitioners with the commission of alleged offence and that the offence alleged to have been committed by the petitioners are not made out against them and that the whole case setup against the petitioners is based upon circumstantial evidence as well as the statements of the other co-accused and statement of the prosecutrix.
40. In the instant case, the accused/petitioners are seeking bail on the grounds that they have been implicated in a false and manipulated case/

FIR lodged by the complainant. However, as per the material available on record including the statement of the victim/prosecutrix recorded under section 164 CrPC, it cannot be said that there is no evidence against the petitioners and the petitioners are not guilty of offence punishable under section 376-D IPC. Also there is no specific explanation offered by the petitioners in the instant petition in response to the said allegations. The chain of events revealed from the prosecution case does *prima-facie* at this stage connect the accused/petitioners herein with the commission of the alleged offences.

41. The general contentions and grounds urged by the accused/petitioners herein that they did not commit the alleged offence and that there is no direct evidence connecting them with the commission of alleged offence or that the case of prosecution is based on circumstantial evidence, which cannot be taken alone into account at this stage, either discarding or else overlooking the evidence collected by the prosecution during the investigation being part of the charge sheet against the accused/petitioners herein and same in view of the principles laid down by the Apex court in the judgements *supra*, particularly regarding nature of accusation, severity of punishment in case of conviction and nature of supporting evidence as also reasonable apprehension of tampering with witnesses or threat to complainant, have to be considered before grant of bail.
42. In a civilised society, every individual bears the responsibility to act in accordance with the law and uphold social norms. Citizens are expected

to exhibit accountability and to honour the legal and moral frameworks that preserve societal order. When a person acts in a disruptive or unlawful manner that undermines social harmony, legal consequences are inevitable. In such instances, the judiciary is duty-bound to uphold the rule of law, not to issue decisions based on personal discretion. Courts must be guided by established legal principles rather than subjective considerations.

43. The Apex Court, in **Neeru Yadav's** case (supra), emphasized the balance between individual liberty and societal order. While personal freedom is fundamental, it cannot come at the expense of public harmony. The judiciary, therefore, must act with responsibility, ensuring that its decisions reinforce legal norms and serve the broader interest of justice and social stability.
44. A society expects responsibility and accountability from its members, and it desires that the citizens should obey the law, respecting it as a cherished social norm. No individual can make an attempt to create a concavity in the stem of social stream. It is impermissible. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly things which the society disapproves, the legal consequences are bound to follow. At that stage, the court has duty. It cannot abandon its sacrosanct obligation and pass an order at its own whim or caprice. It has to be guided by the established parameters of law.
45. For all what has been observed, considered and analyzed hereinabove, the petitioners herein are not held entitled to concession of bail at this

stage. The instant bail applications, bearing no. Bail App no. 277/2024 titled Mohd. Din v. U.T of J&K & Ors and Bail App bearing no.177/2024 titled as Mushtaq Ahmed v. U.T of J&K, lack merits and are, accordingly, **dismissed**. It is, however, made clear that any observation made herein above shall not be construed to be expression of any opinion about the guilt or innocence of the accused/applicants herein.

46. *Disposed of.*

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
16.09.2025
Vijay

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