

S.No. 1
Supp.List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU
(th. virtual mode)

I. Bail App No. 191/2024

1. VISHAL SINGH, AGED 25 YEARS
SON OF SURAM SINGH,
R/O KHADERGAL,
TEHSIL BARI BRAHMANA DISTRICT
SAMBA
PRESENTLY LODGED IN DISTRICT
JAIL, KATHUA

...Petitioner(s)/Appellant(s)
2. SOURAV SLATHI, AGED 23 YEARS
SON OF GHAR SINGH
R/O MANDI GARH, GURAH SLATHIA,
TEHSIL VIJAYPUR DISTRICT SAMBA
PRESENTLY LODGED IN DISTRICT
JAIL, KATHUA

Through: None

Vs.

UNION TERRITORY OF J&K
THROUGH SHO POLICE STATION,
VIJAYPUR

...Respondent(s)

Through: None

II. Bail App No. 308/2024

- I. RAHUL KUMAR, AGE 24 YEARS,
S/O ROMESH CHAND,
R/O VILLAGE PEKHARI, TEHSIL
VIJAYPUR, DISTRICT SAMBA
THROUGH HIS FATHER
ROMESH CHAND, AGE 57 YEARS,
S/O SH. DEWAN CHAND,
R/O VILLAGE PEKHARI, TEHSIL
VIJAYPUR, DISRICT SAMBA

Through: Ms. Supriya Chowhan, Advocate

Vs.

UT OF J&K THROUGH OFFICER
INCHARGE/SHO,POLICE STATION,
VIJAYPUR, SAMBA

Through: None

CORAM:HON’BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

09-12-2025

Bail App No. 191/2024

1. This Court, vide order dated 22.08.2024, after hearing learned counsel for the petitioners/applicants, was pleased to grant interim bail to them, subject to fulfillment of the conditions contained in paragraph 10 of the said order. Notice was issued to the respondent/non-applicant for filing reply, and the matter was directed to be listed on 20.09.2024.
2. On 20.09.2024, none appeared on behalf of the respondent and the Court granted two weeks' further time for filing objections.
3. Thereafter, the matter came up on 05.11.2024. Again, there was no representation on behalf of the respondent. This Court accordingly granted two weeks as last and final opportunity to file the reply, failing which the respondent was directed to appear in person on the next date of hearing.
4. On 18.12.2024, Mr. Vishal Bharti learned Dy. AG appeared. Neither the reply was filed nor did the respondent appear in person as directed. However, keeping in view the principles of fairness, and on the request of learned Dy. AG, this Court granted one week's further time to the respondents to file the reply, subject to payment of costs of Rs.500/-, to be deposited in the Advocates' Welfare Fund.
5. As per the Registry report dated 07.02.2025, the said costs have been duly deposited. Despite this, the respondent has not chosen to file any reply/objections to the petition/application.
6. From the sequence of events, it emerge that repeated opportunities were granted to the respondent/non-applicant on 20.09.2024, 05.11.2024, and 18.12.2024. Despite these opportunities, no reply has

been filed till date. Even after this Court imposed costs for the delay, and though the costs have been deposited, the respondent has still failed to place any objections on record. The conduct of the respondent shows a continued and unexplained indifference toward the proceedings.

7. The purpose of granting multiple opportunities is to ensure fairness and adherence to the principles of natural justice. However, when a party repeatedly defaults, despite sufficient indulgence by the Court, the party must be deemed to have waived the right to contest the application.

8. In the present case, the interim bail was granted on 22.08.2024, and after almost six months, the respondent has not filed any material to rebut the grounds urged by the petitioners/applicants. The Court cannot keep the matter pending indefinitely merely due to the inaction of the respondent. There is nothing on record to show that the petitioners/applicants have violated any of the conditions imposed while granting interim bail. No adverse report has been produced by the prosecution. Thus, the continuation of interim bail has neither prejudiced the investigation nor obstructed the administration of justice.

Bail App No. 308/2024

9. This Court issued notice in this bail application on 24.12.2024 and granted interim bail in terms of order dated 24.12.2024, on parity with the petitioners/applicants in Bail App No. 191/2024 who were granted interim bail vide order dated 22.08.2024. The matter was directed to be listed along with Bail App No. 191/2024, and the respondent was

directed to file reply/response. The respondent in this bail application has also chosen not to file the reply.

10. In view of the above discussion and the continued failure of the respondent to file objections despite repeated opportunities, this Court is satisfied that no ground exists to deny the relief sought by the petitioners/applicants.

11. Accordingly, both the applications are allowed. The interim bail granted to the applicants in Bail App No. 191/2024 vide order dated 22.08.2024 is made absolute, in terms of the conditions contained in paragraph 10 of the said order, which read as under:

“10. Considering the length of time for which the petitioners have remained behind custody, this Court feels that a case is made out for grant of interim bail in faovur of the petitioners. Accordingly, it is hereby ordered that the petitioners are directed to be released on bail subject to following terms and conditions:–

- I. The petitioners shall furnish bail bond in the amount of Rs. 5 lacs each and the surety bond of alike amount before the trial court;**
- II. Petitioners to attend in person the dates of hearing fixed in the criminal cases before the trial court without any miss;**
- III. Petitioners not to indulge in any manner whatsoever in any act of omission or commission aiming to influence the prosecution witnesses or to approach them on any pretext whatsoever;**
- IV. Petitioners not to leave the Union Territory of Jammu & Kashmir without prior permission of the trial court.**

12. Likewise, the interim bail granted to the applicant in Bail App No. 308/2024 vide order dated 24.12.2024 is also made absolute in terms of the conditions contained in paragraph 05 of the said order, which read as under:

“05. In the meantime, the petitioner is held entitled to interim subject to the following terms and conditions:–

- I) Petitioner to furnish bail bond to an amount of Rs. 5 lacs each and the surety bond of alike amount before the trial court;
- II) Petitioner to attend in person the dates of hearing fixed in the criminal case before the trial court without any miss;
- III) Petitioner not to indulge in any manner whatsoever in any act of omission or commission aiming to influence the prosecution witnesses or to approach them on any pretext whatsoever;
- IV) Petitioner not to leave the Union Territory of Jammu & Kashmir without prior permission of the trial court.

13. This Court, however, makes it clear that in case the petitioners/applicants violate any of the conditions imposed by this Court, the respondent shall be at liberty to seek cancellation of their bail in accordance with law.

14. **Disposed of.**

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
09-12-2025
Mubashir