

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

Case No. Bail App No. 244/2025

Reserved on: 27.11.2025

Pronounced on: 28.11.2025

Uploaded on: 28.11.2025

Whether the operative part or
full judgment is pronounced

Vijay Khokhar, Age 43 years
S/o Sh. Maya Ram
R/o Sector-D, Sainik Farm
Sainik Colony, Jammu.

.....Petitioner/Appellant(s)

Through: Mr. Aman Bhagotra, Advocate

Vs

1. U.T. of J&K
Through Sr. Superintendent of
Police, Economic Offences
Wing, Crime Branch, Jammu.
2. Station House Officer
Police Station Crime Branch,
Jammu.

..... Respondent(s)

Through: Ms. Priyanka Bhat, Advocate vice
Mrs. Monika Kohli, Sr. AAG.

CORAM: HON'BLE MR.JUSTICE SHAHZAD AZEEM, JUDGE

(JUDGMENT)

1. Petitioner-Vijay Khokhar has invoked the jurisdiction of
this Court under Section 482 of Bhartiya Nagarik Suraksha
Sanhita, 2023 apprehending arrest in case FIR No. 0048/2025

dated 18.08.2025 under Sections 409& 420 IPC registered at Police Station Economics Offences Wing, Crime Branch, Jammu. The necessity to file this petition has arisen in the backdrop of the fact that the trial Court has rejected the prayer of the petitioner for grant of bail in anticipation of arrest vide order dated 29.08.2025.

2. The relevant facts as emerged from the petition in brief are that the petitioner is a Follower in Police department and presently posted in JKAP 7th Battalion, Channi Himmat, Jammu. One-Sanjeev Sharma said to have lodged a complaint against the petitioner, alleging therein that petitioner is carrying the business of chit fund under the name and style of M/s Mala Enterprises Auction Group and said to have embezzled the amount to the tune of Rs. 34.25 lacs. The said complaint led to registration of formal case, however, according to the petitioner, the matter is purely of civil nature, but in order to harass him, same has been given the colour a criminal case. The said business is being run by the wife of the petitioner, however, in any case, he cannot be made to suffer on account of any transaction made between his wife and the third person. The petitioner has also adumbrated the conventional ground of innocence, non-commission of offence and

in case admitted to bail in anticipation of arrest will abide by all the conditions so imposed.

3. On the other hand, respondents have filed the objections and resisted the application, mainly, on the ground that for the alleged acts of commission and omission by the petitioner, a preliminary enquiry has been conducted which led to registration of a case, particularly, in view of the fact that he being a member of disciplinary force indulged in business, as he has been found running a company under the name and style of M/s Mala Enterprises and he owes a huge amount of Rs. 34.25 lacs. In addition, learned counsel appearing for the respondents vehemently argued that petitioner is also facing another FIR for similar offence and is in habit of cheating public at large despite being a member of police.

4. Heard and considered. Perused the CD file.

5. It appears that on the basis of written complaint said to have been filed by one-Sanjeev Sharma against the petitioner herein, who is a Follower and presently posted in JKAP 7th Battalion, a formal case being FIR No. 0048/2025 came to be registered on the allegations that petitioner is running a business in the name and style of M/s Mala Enterprises (Auction Group Holder) and the complainant alleged to have cheated the

subscriber to the amount of Rs. 34.25 lacs. This led to the initiation of investigation and also departmental enquiry, as the complainant being a member of disciplinary force, thus, is not supposed to carry any business, which besides being an offence also amounts to misconduct.

6. IO was also directed to submit the latest status report along with the CD file. In this regard, IO, namely, Mamta Sharma (Dy.SP, Crime Branch, Jammu) submitted the status report in the open Court and also produced the CD file.

7. The perusal of CD file reveals that the investigation is going on, however, despite repeated messages/communications to the petitioner, he did not join the investigation and that the status report also transpires that the petitioner is not cooperating with the investigation and his behavior was found to be non-cooperative and unsatisfactory.

8. The IO submitted at Bar that earlier also a case being FIR No. 0063/2024 dated 11.06.2024 came to be registered against the petitioner under Sections 420, 403, 406 IPC.

9. The remedy under Section 482 BNSS is an extraordinary remedy and same can be exercised only in exceptional circumstances. However, going by the allegations as delineated in

objections as well as status report, the alleged offences falls within the realm of economic offence, therefore, in such like matters Court has to be cautious that anticipatory bail should not undermine a large scale investigation or the public interest in prosecuting white collar crime.

10. The economic offences involved deep rooted conspiracies and large public losses and thus, require a cautious approach to bail, particularly, when petitioner is reported to have not been cooperating with the Investigating Officer. It is important to note that petitioner is a police personnel facing an accusation for allegedly carrying the business of chit fund and thereby embezzled the amount running into lacs against whom earlier also FIR for commission of similar offences was registered. Therefore, petitioner does not deserve the benevolence of protection from the Court in anticipation of his arrest that too in exercise of extraordinary jurisdiction, since no exception warranting the exercise of such power, has been made out.

11. Keeping in view the stage of investigation and reported non-cooperation of the petitioner despite being asked to join the investigation being member of disciplinary force, who allegedly involved in an economic offence and keeping in view the conduct of the petitioner and larger public interest, he does not deserve

the concession of bail in anticipation of his arrest. Accordingly, the petition being bereft of merits and, therefore, same is ***dismissed.***

12. Let CD file be returned to the Investigating Officer through the Registrar Judicial with due dispatch.

**(SHAHZAD AZEEM)
JUDGE**

**JAMMU
28.11.2025
Mihul**

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

