

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

B.A. No. 242/2024
c/w
CRM(M) No. 773/2024

Sanjay Kumar

.....Petitioner(s)

Through: Mr. Rajeev Dubey, Advocate.

Vs

UT of J&K.

..... Respondent(s)

Through: Mr. Sumeet Bhatia, GA for R-1 to 4 in
CRM(M) No. 773/2024
None for R-5 in CRM(M) No. 773/2024.

Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

ORDER
02.06.2025

B.A. No. 242/2024

1. Petitioner/accused is present in person.
2. Objections to this bail application have already been filed by the respondents 1 to 4. Same have been perused.
3. Heard the learned counsel for the petitioner/accused in support of the bail application and the learned counsel for the UT, Mr. Sumeet Bhatia, learned GA in rebuttal. The respondent No. 5 in the clubbed petition, who is the complainant/alleged victim in the case, has not chosen to appear and contest the proceedings despite being served/intimated.
4. In the backdrop of the order dated 14.11.2024 passed in the clubbed quashment petition and the instant bail application, this Court is convinced that it may meet the ends of justice in case, the instant bail application is allowed and the petitioner/accused is admitted to bail in anticipation of his arrest in absolute. Accordingly, the order dated 14.11.2024 to the extent of this bail application is

made absolute with a direction to the SHO Police Station, Udhampur that he shall in the event of the arrest of the petitioner/accused in connection with the case FIR in question bearing No. 366/2024 dated 27.08.2024 registered with his Police Station, release him from custody, subject to his furnishing surety and personal bonds to the tune of ₹1.00 lac each (surety bond of 1.00 lac to be furnished by two sureties in equal amounts of ₹50,000/- from among the near relatives of the petitioner/accused) to his satisfaction. However, this order shall be subject to the following conditions:-

- (i) petitioner shall not cause any threat, undue influence or inducement on the prosecution witnesses including the complainant so as to dissuade them from disclosing such facts to the police or to the Court;
- (ii) petitioner shall associate with the Investigating Officer (IO) of the case as and when required for facilitation of the early and logical completion of the investigation;
- (iii) petitioner shall not leave the limits of the UT of Jammu and Kashmir without prior permission of the Investigating Officer of the case/SHO concerned;
- (iv) petitioner shall not repeat the commission of any crime;
- (v) petitioner shall remain punctual at the trial in case of the presentation of the final report/challan before the competent Court;
- (vi) In case of any recovery at the instance of the petitioner, he shall be presumed under law in the custody;
- (vii) In case of violation of any of the aforementioned bail conditions, the Investigating Officer/SHO concerned shall be at liberty to approach this Court, seeking cancellation of the bail.

5. Bail application is, accordingly, ***disposed of***.

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6. Heard learned counsel for the parties and considered their submissions. Perused the petition and the copies of the documents enclosed with the same.

7. In the backdrop, no ground appears to be made out under law for allowing the instant petition seeking quashment of the FIR in question.

8. The instant petition is, accordingly, ***dismissed*** as meritless with liberty to the Investigating Officer/SHO concerned to finalize the investigation in the case FIR and present the final report in terms of Section 193 BNSS before the competent Court.

Jammu
02.06.2025
Ram Krishan

(Mohd. Yousuf Wani)
Judge

