

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

Case:- Bail App No. 256/2024
IA Nos. 912/2025 & 593/2025

Yasir Khan, Age 23 years
S/o Sh. Zakir Hussain Khan
R/o Village Marrah, Tehsil Surankote,
District Poonch, A/P Village Thako
Chak, Tehsil Jammu (North), Jammu
through his father Zakir Hussain S/o
Late. Mohd. Shafi Village Thako Chak,
Tehsil Jammu (North), Jammu. Appellant(s)/Petitioner(s)

Through: Mr. Umar Shakeel, Advocate.

Vs

1. Union Territory of J&K, the Station
House Officer, Police Station,
Domana.
2. The Superintendent, Central Jail,
Kot Bhalwal, Jammu.
3. Dilabandi Begum, W/o Abdul
Gafoor Khan, R/o Village
Dhakkuchak, Domana, Jammu. Respondent(s)

Through: Mr. Pawan Dev Singh, Dy. AG
Mr. Sheikh Altaf Hussain, Advocate.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(02.06.2025)

1. The petitioner-Yasir Khan who is an under trial in a criminal case before the court of Special Judge Fast Track Court, (POCSO Cases), Jammu born out of FIR No. 140/2023 of the Police Station, Domana for the alleged commission of offences under section 363 & 376 of the Indian Penal Code and section 3 & 4 of the Protection of Children from Sexual Offences Act, 2012 (POCSO) came to petition this Court on 28.10.2024 thereby seeking bail in his favour in terms of section 439 of the Code of Criminal Procedure

after having suffered rejection of his bail plea from the trial court in terms of its order dated 06.03.2024.

2. The petitioner has now come forward with an application CrIM No. 912/2025 seeking withdrawal of the present bail petition by simultaneously seeking liberty to approach the trial court of Special Judge Fast Track Court, (POCSO cases), Jammu to apply afresh for grant of bail in his favour.

3. The petitioner in his application is desperate to seek withdrawal as is born out from the averments made in para-4 that in case the withdrawal is not allowed, he shall suffer an irreparable loss and harm which may not admit of compensation later on by any mode.

4. This Court leaves it to the understanding of the petitioner as well as his counsel as what is the harm which is going to be visiting upon him, in case the withdrawal of the bail petition is not allowed by this Court as it is the right of a litigant to withdraw any litigation at any given point of time unless and until prohibited expressly by law. There is no prohibition insofar as withdrawal of the bail petition from a court of law is sought by an under trial in custody in a criminal case.

5. This Court, therefore, dismisses the bail petition as withdrawn leaving it for the petitioner to exercise his option of applying afresh before the trial court below for seeking bail provided there is a change of facts and circumstances having taking place in

connection with the pending case during the pendency of this present bail petition before this Court.

6. In view of the above, the instant bail petition is **dismissed** as withdrawn.

(RAHUL BHARTI)
JUDGE

JAMMU
02.06.2025
Shivalee

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

