

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case No. Bail App No. 277/2024

Reserved on :19.09.2025
Pronounced on : 10.10.2025
Uploaded on : 10.10.2025
Whether the operative part or full
judgment is pronounced

Sajjad Ahmed
S/O Ghulam Qadir Wani
R/o Tanta Kahra, Gandoh
District, Doda

.... Petitioner/Appellant(s)

Through:- Mr. M. A. Bhat, Advocate and
Mr. N. D. Qazi, Advocate

V/s

Union Territory of J&K
Th. S.H.O Police Station,
Gandoh

.....Respondent(s)

Through:- Ms. Sagira Jaffar, assisting counsel to
Mrs. Monika Kohli, Sr. AAG

CORAM:HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

JUDGMENT

1. Through the medium of the instant petition, the petitioner seeks bail in FIR No. 67/2024 dated 12.06.2024 registered at Police Station, Gandoh, Doda for offences punishable under Section 307/120-B,121/122 IPC,7/27 Arms Act and under Section 10/13/16/18/19/20/23/30/38/39 Unlawful Activities (Prevention) Act (UAPA), on the ground that he has been falsely implicated in a false and frivolous case registered by the respondent-SHO Police Station, Gandoh, Doda.

2. The petitioner along with two other persons arrested in the FIR in question approached the Court of learned Addl. District and Sessions Judge, Doda and applied for the bail, however the same came be rejected vide order dated 17.10.2024.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in a false and frivolous case and the petitioner is in
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custody since 18.06.2024. It is submitted that there is nothing against the petitioner and whatever the confession and recovery of utensils are concerned, the same pertains to other accused. It is further submitted that no offence under UAPA has been proved against the petitioner and that the learned Addl. District Judge, Doda has not appreciated the case for the petitioner for grant of bail as there is nothing incriminating against him.

4. Per contra, learned counsel appearing for the respondent has vehemently opposed the petition. In the objections filed on behalf of the respondent it is stated that the allegations against the petitioner are serious and any concession of bail in his favour would not be in the interest of society at large. It is stated that it is a settled law that bail may be refused if there is likelihood of the applicant interfering with the witnesses for the prosecution or otherwise polluting the process of justice.

5. The prosecution story narrated by respondent in his objections is that on 12.06.2024, an information was received at Police Station Gandoh from HC Masood Ahmed stating that he along with SOG Party of SOG Camp Gandoh were on patrolling/search operation duty in Tanta/Draman/Kota Top area as there was movement of unknown terrorists and at about 1945 hours when the Police party reached near Kota Top some unknown militants who were already in ambush opened fire upon Police party with an intention to kill them and threaten the unity and sovereignty of India and in particular i.e., Jammu & Kashmir (UT) resulting in causing injuries to one constable, namely, Fareed Hussain. In order to save their own lives, the Police Party also opened fire, but the unknown militants taking the advantage of darkness fled away from the spot. On this FIR in question was registered at Police Station Gandoh and investigation of the case was taken up by Shri Raj Kumar Kaul Dy.SP/SDPO Gandoh.

6. During the course of investigation, the Investigating Officer (IO) of the case proceeded to village Kota wherefrom the injured Constable Fareed Hussain No. 973/D of SOG Camp Gandoh was evacuated from the encounter site and brought at the roadside of village Kota where he was provided with First-Aid by the team of doctors and shifted to Sub-District

Hospital Gandoh. The injured was later shifted to District Hospital Doda and thereafter to GMC Jammu for further medical treatment. The IO visited the spot (scene of crime) and prepared site plan on the identification of the complainant. The I.O. seized the Empty Cartridges/Bullets of M4 Rifle and AK Rifle which were fired by the terrorists on the search operation party besides the Compass used by them and other items from the spot through a seizure memo. The IO also seized the Empty cartridges of the Ammunition fired by the police party of SOG Gandoh and took the sample of simple and blood-stained clay from the spot where the Ct. Fareed Hussain No. 973/D was injured and prepared its seizure memo. The seized empty cartridges, bullets, misfire round and clay (both simple and blood stained) were sealed on the spot and marked as exhibits A, A1, A2, A3, C and C1. The sealed packets/exhibits were got resealed from the Naib Tehsildar/Executive Magistrate 1st Class, Gandoh, and authority letter to break open the seal in favour of Director, FSL Srinagar, was obtained from him. During the course of investigation, two accused persons, namely, Mubashir Hussain S/O Safdar Ali R/O Draman Tanta and Sajad Ahmad S/O Gh.Qadir R/O Wam Pora Tanta both residents of Tehsil Kahara Distt. Doda, were arrested on 18.06.2024 for their involvement in the case. During their personal search, their mobile phones along with SIM Cards and Aadhar Cards were recovered from their possession which were seized on spot through a seizure memo. Both the mobile phones were sealed and marked as exhibits ID and E which were later got resealed through Executive Magistrate 1st Class Gandoh and authority letter to break open the seal in favour of Director, FSL Srinagar, was obtained. Another accused, Safdar Ali S/o Shamish Din R/O Draman Tanta Vehsil Kahara District Doda, was also arrested in the instant case on 20.06.2024 and during his personal search his Mobile phone along with Sim Card and Aadhar Card were recovered from his possession which were also seized on spot through a seizure memo. The Mobile phone along with Sim Card was sealed in a packet and marked as exhibit "F" which was later got re-scaled through Executive Magistrate 1st Class Gandoh and authority letter to break open the seal in favour of Director

FSL, Srinagar, was also obtained. All the resealed exhibits were sent to FSL Srinagar for analysis and expert opinion. During surgery of injured constable Fareed Hussain No.9F3/D at GMC Jammu, the pellets/splinters taken out by the Doctors which were scaled in a container was obtained and also sent for expert opinion to FSL Srinagar. The requisite expert opinion along with the exhibits were obtained from FSL Srinagar.

7. On the confession of the accused, Mubashir Hussain, a disclosure memo was prepared in presence of the Executive Magistrate 1st Class (EMIC) Naib Tehsildar Sinoo. As per the disclosure memo of the accused, the I.O. visited Draman Tanta, the house of accused along with EMIC. On the identification of the accused, the IO prepared a pointing out memo, site plan and seized the used utensils from the house of the accused, Mubashir Hussain, in which the terrorists had prepared food for them. The personal search memo of the Police team before and after the search of the spot was prepared. Later, all the three accused persons were sent to Joint Interrogation Centre (JIC) at Jammu for sustained interrogation where they have disclosed that they had provided food and shelter to the unknown terrorists during their visit to Padri Goth (Make-shift House/Dhera of Safder Ali) and Tanta Draman (Residential house of Safder Ali) falling in the Jurisdiction of Police Station Gandoh.

8. The Revenue record/ownership of immovable property besides bank details of above accused persons were obtained from Tehsildar Kahara and Manager J&K Bank Branch Kahara respectively. Similarly, their criminal record was obtained from SHO P/S Gandoh. The Call Detail Reports (CDRs)/Customer Application Form (CAF) along with certificate under Section 65-B Indian Evidence Act in respect of the SIM Cards used by the accused persons was obtained from the concerned cellular companies.

9. During the investigation, the statements of the Eye witnesses/other witnesses who were well acquainted with the facts and circumstances of the case, were recorded under section 164/161 Cr.PC. The certified copies of the statements of the witnesses which were not recorded under section 164 Cr.PC were obtained from the court of JMIC Gandoh. During the

course of investigation, offence U/S 19 UA(P)A was fully established against all the three accused persons and subsequently, offence under section 19 was added to the instant case.

10. Later, investigation of the case was transferred to SP (PC) Doda. During investigation, the questioning of Shamas Din S/O Gh. Mohd R/O Bharowa Seri Bhaderwah Distt. Doda in whose name the Sim Card of Mobile No. 7889749043 existed as per customer application form (CAF) was conducted as this Sim Card was used by the above accused Mubashir Hussain. Since, Shamas Din was found to be in a state of mental depression for 2 to 3 years, the statement of his son, namely, Reyaz Ahmed S/O Shamas Din R/O Bharowa Seri Bhaderwah Distt. Doda, was recorded under section 161 Cr.PC. As per his statement the said Shamas Din was found to be mentally disturbed and under medical treatment. Further, Statement of Arshad Iqbal S/O Mohd Iqbal Ganai R/O Sultan Pura Bhaderwah District Doda was also recorded U/S 161 Cr.PC. As per his statement, the accused Mubashir Hussain was known to him since long. Around three years ago, he had obtained the Sim card from Shamas Din S who is a Forest Guard and well known to him for his personal use. However, in the month of June 2022 he had gone to Padder (Bindra Ban Dhar) for purchasing Sheep and Goats from Safder Ali S/o Shamish Din R/O Tanta (Draman) Tehsil Kahara District Doda. There Mubashir Hussain S/O Safder Ali R/o Tanta (Draman) Tehsil Kahara District Doda requested to give him the above Sim card as there was no mobile network of other companies except JIO. He disclosed that he gave him the above Sim card along with a Redmi Mobile Phone. Since then the Sim card JIO No. 7889740943 (pre-paid) was used by the accused Mubashir Hussain. Medical report of the injured Constable Fareed Hussain No 973/D has been obtained from SDH Gandoh and the statement of injured has been recorded U/S 161 Cr.PC. Based on the opinion of the Medical Officer, Section 326/IPC has been added in the instant case.

11. It is stated that by respondent in his objections that in the beginning of the month of May 2024, accused persons, Mubashir Hussain and Sajad Ahmed, were grazing sheep at Padri Goth and at around 02:00 PM both

accused persons encountered four unknown foreign terrorists who appeared from the jungle, equipped with automatic weapons, wearing black trousers and grey shirts and carrying Pithos (haversack) on their back. They had a short interaction with both of them and then they asked for cigarette from them. Mubashir Hussain offered Biri (cigarette) to the unknown four terrorists who smoked the same and later both Mubashir Hussain and Sajad Ahmed left for Jungle after taking permission from the terrorists. On the same day, in the evening hours at around 09:00 PM both accused persons namely Mubashir Hussain & Sajad Ahmed and witnesses, namely, Sharik Mohd, Ali Mohd and Abdul Subhan were staying at the Dhera of Safder Ali and Mubashir Hussain at Padhri Goth forest, when the same group of four unknown terrorists equipped with illegal automatic weapons and Pithus (Haversack), one had a binocular mounted on the rifle and others had assault rifles came inside the Dhera. Three of them were in the height range between 5'8" to 5'10" and one was around 6 feet tall. Also one of them had long beard and other three had short trimmed beard. They demanded a sheep from Sharik and Sharik gave them a sheep weighing about 07/08 Kg and in return they gave him Rs.4000/ for it which were in the denomination of rupees 500/each (Indian currency). They slaughtered (Halal) the sheep, cooked it in 03 utensils (Patila) which were provided by accused Mubashir Hussain. They ate the cooked meat and also packed the rest of meat in polythene bags which they took out from their bags. Later, the four terrorists left the Dhera in the early morning hours at around 03:00 AM towards the jungle. They also asked Sajad Ahmed and Ali Mohd to offer their sons (one each) with them for Jihad. During the course of investigation, it was found that the father of Mubashir Hussain, namely, Safder Ali was not present there on this occasion and had gone to his house at Tanta Dramian in connection with arranging the engagement ceremony of his daughter, namely, Gulshan Banoo with Abrar Ahmed S/O Late Abdul Aziz R/O Kuthal Tanta. However, his minor daughter, namely, Saima Banoo remained at the Dhera and remained a mute spectator.

12. It is also stated by respondent that after 2/3 days, the same group of four terrorists came to the Dhera of Safder Ali at Padhri Ghot at around 09:00 PM. On this occasion accused persons, namely, Safder Ali and Sajad Ahmed along with witnesses, namely, Ali Mohd and Abdul Subhan were present at the Dhera, Saima Banoo, the minor daughter of accused Safder Ali was also present at this time at the Dhera. However, on this occasion accused Mubasir Hussain was not present there and had gone to his house at Tanta Draman. The terrorists drank tea and eat cooked rice with milk at the Dhera. They also demanded one lamb from Safder Ali which was provided by him. The militants slaughtered (Halal) the sheep, cooked it in the utensils (Patila) which were provided by accused Safder Ali. They ate the cooked meat and also packed the rest of meat in polythene bays which they took out from their bags (Pithus). Later, the four terrorists left the Dhera in the early morning hours at around 02:30 AM towards the jungle. Before leaving the place, they paid rupees 2500/which were in the denomination of rupees 500/each (Indian currency) to Safder Ali for the sheep.

13. It is being also stated that on 01.06.2004, the accused, Mubashir Hussain, brought the same group of four terrorists to his house at Tanta Draman in the late evening hours at around 10/10:30 PM. There accused Mubashir Hussain provided utensils, wheat (atta), oil, haldi, salt etc. to the terrorists. The terrorists had also brought vegetable (kasror) with them. The terrorists prepared chapatti and vegetables in the kitchen of the accused and ate food there. They also carried cooked chappatis and vegetables with them in the poly bags and left the place at around 04:00 AM. The accused Mubashir Hussain accompanied them on foot to Eid Gah near Kota Top which is in the got jurisdiction of PS Gandoh. They told to accused Mubashir Hussain that they have come here to ensure the safety of Muslims especially the women folk and are affiliated with Jaish-e-Mohammad outfit. On this occasion, accused Safder Ali was not present at his house. However, his wife and other family members and relatives including, Witness, namely Abrar Ahmed S/O late Abdul Aziz R/O Tanta Kuthal were present.

14. During investigation, it has been found that the accused persons, namely, Mubashir Hussain, Safder Ali and Sajad Ahmed were present together in Tanta area with w.e.f 01 May 2024 to 04.06.2024 and during this period the un-known foreign terrorists had encountered meetings with (01) Mubashir Hussain and Sajad Ahmed at Padhri Goth forest (02) Mubashir Hussain and Sajad Ahmed at the Dhera of Safder Ali at Padhri Goth (03) Safder Ali and Sajad Ahmed at the Dhera of Safder Ali and (04) Mubashir Hussain at his residence at Tanta Draman. The three accused persons, namely, Mubashir Hussain, Safder Ali and Sajad Ahmed having knowledge that the four unknown terrorists were foreigners who were well equipped with automatic weapons and were carrying haversack (Pithus) after crossing the International border had been hiding in the forest area from the army/police/security agencies. The accused persons had voluntarily provided food and shelter to the terrorists besides hotspot from the mobile of Mubashir Hussain. The three accused persons in criminal conspiracy with each other had voluntarily concealed the presence/movement of the terrorists in the forest area in the jurisdiction of P/S Gandoh to the army/police. The accused persons could also have given the information regarding the presence/movement of the four foreign terrorists to the nearest special police pickets (SPPs) which stands established at Tanta, Kota and Rajpura since long which were very near to them.

15. As per the statements of eye witnesses recorded U/S 164 Cr.P.C, the terrorists used to talk to them in urdu language, but among themselves they used to talk in some alien language which was not understood by the accused as well as them. The terrorists to them also disclosed that they had come from Pakistan for Jihad/freedom of Jammu and Kashmir from India and were affiliated with Jaish-e Mohammad Tanzeem (outfit). The accused Sajad Ahmed helped the terrorists in slaughtering the sheep and preparing food for them. And Sajad Ahmed also told them not to disclose the movement of terrorist to anyone. On the basis of facts and circumstances mentioned above, site plan, seizure memos, statements of witnesses recorded U/S 161 Cr.PC and 164 Cr.PC, technical evidence

collected from the call detail reports (CDRs)/hotspot/IPDR of the mobile phones used by the accused persons, medical reports of injured Police constable and Expert opinion from FSL Srinagar, offence under section 19 Unlawful Activities (Prevention) Act, 1967 against accused persons namely (1) Mubashir Hussain S/O Safdar Ali R/O Draman Tanta Tehsil Kahara Distt. Doda (2) Sajad Ahmad S/O Gh. Qadir R/O Wani Pora Tanta Tehsil Kahara District Doda and (3) Safdar Ali S/O Shamash Din R/O Draman Tanta Tehsil Kahara Distt. Doda have been fully established against them. As such, Section 19 Unlawful Activities (Prevention) Act, 1967 has been added in the instant case. However, the un-known terrorists who belonged to Jaish-e-Mohammad outfit which is a banned organization under “the (First) SCHEDULE” (see sections 2(1)(m), 35, 36 and 38 (1) of Unlawful Activities (prevention) Act, 1967 are still at large and every efforts were made to get their clue or apprehend them. The unknown terrorists who have crossed international border (IB) after receiving training from PAK/POK equipped with illegal automatic weapons had entered in J&K UT. The unknown terrorists who with an intention to kill the Police Party of SOG Gandoh had opened fire on them on 12.06.2024 at about 1945 hours near Kota Top Tehsil Gandoh District Doda in the Jurisdiction of Police Station Gandoh when the police party was on search operation in the area. As a result of which one police personnel, namely, constable Fareed Hussain No. 973/D got seriously injured by bullet shots from the automatic weapons of the militants. The injured constable remained under medical treatment at Govt. Medical College Jammu for a period of nearly 1 ½ % months. The group of these four militants have sneaked into the territory of UT with an intention to overthrow the security/sovereignty and integrity of the country especially U/T of J&K. These terrorists are further secretly trying to motivate/instigate the minds of youth of the area towards militancy so that militancy can be revived in the Chenab Valley. As such, the offences U/s 307/120-B/121/122/326 IPC/7/27 Arms 10 /13 /16/18/20/23/38/39 Unlawful Activities (Prevention) Act, 1967 stands proved against unknown terrorist of Jaish-e-Mohammad who are still at large and every

efforts are being made to get their clue and apprehended them against whom the charge sheet shall be filed in the Hon'ble Court after their arrest in the instant case for which the search of unknown accused terrorists is going on secretly as well as openly. During the course of investigation, the offence U/S 30 Unlawful Activities (Prevention) Act, 1967 could not be established against the un-known terrorist and as such has been deleted in the instant case.

16. It is further stated by respondent that case has been challaned in the court of Additional Session Court (Fast Track Court, Doda) vide Challan No. 79/2024 dated 13.12.2024 for judicial determination against the accused persons (1) Mubashir Hussain S/ O Safdar Ali (2) Safdar Ali S/O Shamash Din both residents of Draman Tanta Tehsil Kahara District Doda and (3) Sajad Ahmad S/O Gh. Qadir R/O Wani Pora Tanta Tehsil Kahara Distt. Doda U /S 19 UA (P) Act. All the three accused persons are presently lodged in District jail Bhaderwah.

17. On 12.06.2024, an SOG police party near Kota Top, Gandoh (J&K) was ambushed by unknown foreign terrorists affiliated with Jaish-e-Mohammad, injuring Constable Fareed Hussain. Investigation revealed that Mubashir Hussain, Sajad Ahmad, and Safdar Ali knowingly provided food, shelter, and logistical support to these terrorists between May–June 2024. Evidence included witness statements, mobile phone records, medical reports, site plan, and FSL analysis. The accused have been charged under Section 19 UAPA, 1967, along with IPC sections 307, 326, 120-B, 121/122, and relevant provisions of Arms Act. The case has been challaned in the Fast Track Court, Doda, and the accused are in jail, while the unknown terrorists remain at large.

18. The petitioner has been charged for providing material and logistical support to foreign terrorists involved in attacks against Indian police, under UAPA and IPC, with the aim of threatening national security in J&K.

19. The Trial Court vide order dated 24.03.2025 has charged the petitioner along with other two co-accused for the commission of offence punishable under Section 19 Unlawful Activities (Prevention) Act 1967.

The contents of the charge were read over to them through virtual mode and he pleaded as not guilty and claim trial.

20. It is submitted by the learned counsel for the petitioner that the petitioner has falsely been implicated in the case inasmuch as prosecution case is based on suspicion and indeed there is nothing on record against the present petitioner. No offence, as alleged is made out against him as necessary ingredients to constitute the alleged offences are completely missing. The petitioner has no criminal antecedents and if he is kept in jail, it will adversely affect his family and cause irreparable loss. The material collected by the investigating agency prima facie does not constitute any offence against the petitioner. No weapons have been seized from the possession of the petitioner. It is further submitted that investigation is over and chargesheet has been filed. He has also submitted that while considering the bail application under Section 43(D)(5) of UAPA, the court is duty bound to apply its mind to examine the entire material available on record for the purpose of satisfying itself as to whether a prima facie case is made out against the accused or not. The period of custody and probability of conclusion of trial in near future is to be considered by the Court. In the present case, the trial Court has failed to consider the provisions of law in proper manner. Mere association with terrorist organization is not sufficient to attract Section 38 of UAPA and mere support to a terrorist organization is not sufficient to attract Section 39 of UAPA. The association and support have to be with an intention and in furtherance of the activities of the terrorist organization. In addition to above submissions, the learned counsel for the petitioner has submitted that the petitioner is a permanent resident of Gandoh District Doda and there is no likelihood of his absconding or tampering with the prosecution evidence. The appellant is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by the Court. In support of his contentions, learned counsel for the petitioner has placed reliance on: (1) Sudesh Kedia Vs. Union of India, 2021 (4) SCC 704 (2) Sheikh Javed Iqbal @ Asfhaq Ansari @ Javed Ansari Vs. State of Uttar Pradesh, 2024(8) SCC 293 (3)

Jalaluddin Khan Vs. Union of India, 2024 SCC Online SC 1945 and (4) Tawaha Fasal Vs. Union of India, (2022) 14 SCC 766. On these grounds, prayer is made to allow the appeal and enlarge the appellant on bail.

21. Per contra, learned counsel appearing for the respondent has vehemently opposed the application by stating that petitioner is involved in heinous offences and, therefore, he does not deserve to be released on bail.

22. While considering a bail application, what is required to be seen is prima facie involvement of a particular accused connecting him with commission of alleged offence and its gravity or seriousness. Chances of tampering with evidence can also be a very valid ground for rejecting or accepting bail application and at the same time, the Court has also to ensure that there should not be any hindrance in free, fair and just investigation of a case and/or of a trial.

23. The principles, generally governing grant of bail are relatable to following things:

- i. seriousness of the allegations; severity of punishment; the character of evidence on which the charge is proposed to be sustained; possibility of tampering and intimidating the witnesses; and chances of running away from the trial.
- ii. false implication of the accused; allegations levelled not believable; and wreaking vengeance for political or business reasons.

24. It is also necessary for the Court, granting bail, as has been indicated by the Supreme Court in **Ram Govind Upadhyay v. Sudarshan Singh and Puran v. Rambilas, (2002) 2 SCC 598**, to consider, *inter alia*, the following factors as well before granting bail; which are:

- i. The nature of accusation and severity of punishment in case of conviction and the nature of supporting evidence.
- ii. Reasonable apprehension for tampering with the witness or apprehension of threat to the complainant.
- iii. Prima facie satisfaction of the court in support of the charge.

25. Before granting any concession of bail, above referred to principles are to be kept in mind while exercising discretionary jurisdiction. It is also to be noted that at the stage of considering an application for grant of bail, the Court has only to go into limited question as to whether a prima facie

case is established against the accused. It cannot go into evidentiary value, credibility and reliability of witnesses. However, while examining a bail plea of accused, the circumstances, under which crime is alleged to have been committed, the character and behavior of the accused person are also to be examined. Insofar as present case is concerned, 09 bottles are alleged to have been recovered from applicant.

26. It is well settled that the matters to be considered in an application for grant of 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) likelihood of the offence being repeated; (vi) reasonable apprehension of the witnesses being tampered with; and (vii) danger, of course, of justice being thwarted by grant of bail. While a vague allegation that accused may tamper with 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. (Vide: ***State of U.P. through CBI v. Amarmani Tripathi, reported in (2005) 8 SCC 21; Prahlad Singh Bhati v. NCT, Delhi and Gurcharan Singh v. State Delhi Admn.***, (2001) 4 SCC 280; and ***Kalyan Chandra Sarkar v. Rajesh Ranjan***, (2004) 7 SCC 528].

27. The law as regards 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, yet there is a need to indicate in such orders reasons for prima facie concluding why bail is being granted, particularly where accused is alleged and/or charged of having committed a serious or heinous offence. Any order, devoid of such reasons, would suffer from non-application of mind.

28. Insofar as present case is concerned, petitioner has been charged by Trial Court. He is incarcerated for 1 ½ year. When he approached Trial Court bail was refused to him vide order dated 17.10.2024 on the ground that challan was not produced. Challan has been produced and petitioner has been charged of offences. In such changed circumstances, instant application deserves to be allowed and applicant enlarged on bail.

29. In view of above, application is allowed and applicant is enlarged on bail subject to furnishing of bail bond in the amount of Rs.50,000/- to the satisfaction of Registrar Judicial of this Court, with two sureties of the like amount to the satisfaction of Incharge/Superintendent, Jail/Sub-Jail concerned, on the following conditions:

- i. Applicant shall remain present before the Trial/Sessions Court on every date of hearing;
- ii. Applicant shall not leave the territorial jurisdiction of the Court of Trial/Sessions Court without prior permission;
- iii. He shall furnish/intimate his whereabouts to concerned SHO on first day of every month;
- iv. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer, as the case may be;
- v. He shall not tamper with the evidence or witnesses in any manner and shall not be a source of embarrassment and harassment to any of the witnesses in any manner.
- vi. He shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

30. **Disposed of.**

(VINOD CHATTERJI KOUL)
Judge

JAMMU
10.10.2025
Bir