

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

*Reserved on: 09.10.2025*

*Pronounced on: 15.10.2025*

*Uploaded on: 15.10.2025*

*Whether the operative part or  
full judgment is pronounced: **Full***

**CJ Court**

**CrIa(D) No.7/2022**

UT OF J&K THROUGH P/S CHADOORA

**...Petitioner(S)/Appellant(s)**

*Through: - Mr. Mohsin Qadiri, Sr. AAG, with  
Ms. Maha Majeed, Assisting Counsel.*

Vs.

1. Bashir Ahmad Khan S/o Abdul Ahad Khan  
R/o Gund Checkpora, **and three others.**

**...RESPONDENT(S)**

*Through: - Mr. Wajid Haseeb, Advocate.*

**CORAM:** HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

**ORDER**

**OSWAL 'J'**

1) This appeal is directed against the order dated 27.10.2021, whereby the respondent No.1 has been enlarged on bail by the Court of Special Judge (Designated under NIA Act), Srinagar (for short 'the trial court'), in charge sheet titled "*State vs. Bashir Ahmad Khan & anr*" arising out of FIR No.112/2019 of Police Station, Chadoora, registered under Sections 16, 18, 19, 20, 23 and 38 of UAP Act and 7/25 Arms Act.

2) It is contended that the learned trial court has granted bail to the respondent No.1 despite there being a prohibition contained in Section 43-D ULA(P) Act for grant of bail.

3) Mr. Mohsin Qadiri, learned senior AAG, has reiterated the submissions made in the memo of appeal as recorded above.

4) *Per contra*, Mr. Wajid Haseeb, learned counsel for the respondent No.1 has submitted that the learned trial court, after examining the statements of the material prosecution witnesses pertaining to the respondent No.1, has granted bail in his favour, particularly when there was no incriminating evidence against the said respondent. He has further submitted that after the appellant was enlarged on bail, two more accused have been granted bail by the learned trial court.

5) Heard and perused the record.

6) The record depicts that vide order dated 04.03.2020, the respondent No.1 was charged for commission of offences under Section 18/19/23 of UA(P) Act for aiding, voluntarily harbouring and concealing the members of the banned terrorist organization, with the allegation that one

militant was killed in the house of respondent No.1 on 28.06.2019. The respondent No.1 was arrested on 5<sup>th</sup> July, 2019. The learned trial court, after examining the statements of 11 prosecution witnesses, has granted bail to the respondent No.1. We are informed by Mr. Mohsin Qadiri, learned senior A.A.G, that out of 24 witnesses cited by the prosecution, 15 witnesses have already been examined.

7) The respondent No.1 has been enlarged on bail after he remained in custody for more than three years. The learned trial court after examining the statements of the witnesses has exercised its discretion for grant of bail. The appellant has not been able to demonstrate any perversity in the order impugned in this appeal. The respondent No.1 has remained on bail for nearly about four years and till date the prosecution has not complained against the respondent No.1 that he has violated any condition imposed by the learned trial court while granting bail in his favour.

8) After examining the order impugned in this appeal and the statements made by the witnesses, we find that the learned trial court has rightly granted bail to the respondent No.1. as such, this appeal is **disposed** of by

providing that the trial court shall dispose of the charge sheet on the basis of the evidence led by the parties, without getting influenced in any manner with any observation made by it in order dated 27.10.2021, whereby bail was granted in favour of the respondent No.1.

2) A copy of this order be sent to the learned trial court for information and compliance.

(RAJNESH OSWAL)  
JUDGE

(ARUN PALLI)  
CHIEF JUSTICE

Srinagar  
15.10.2025  
"Bhat Altaf"

Whether the **Judgment** is speaking: **Yes**  
Whether the **judgment** is reportable: **No**

