

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
(through virtual mode)**

CJ Court

**CrI(A)(D) No. 25/2025
CrIM No. 335/2025**

Date of Pronouncement: 04.11.2025.

Uploaded on: 06.11.2025.

**Union Territory of Jammu and
Kashmir**

Through SHO Police Station
Shopian.

.....Appellant(s)/Petitioner(s)

Through: Mr. Mohsin Qadri, Sr. AAG with
Ms. Maha Majeed, Assisting Counsel.

Vs

**1. Arif Ahmad Wani
2. Tawseef Ahmad Wani
3. Shabir Ahmad Wani**
All Sons of Mohammad Khalil Wani
Residents of Kutpora Shopian

..... Respondent(s)

Through: Mr. Asif Ali, Advocate.

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

JUDGMENT (ORAL)

(Rajnesh Oswal J)

1. This appeal is directed against the order dated 05.12.2024 read with order dated 20.12.2024, 03.02.2025 and 11.02.2025 passed by the Special Judge, (Designated NIA Court for Shopian & Kulgam) (for short 'the Trial Court') in case FIR No. 154/2022 registered with Police Station Shopian for commission of offences under Sections 307

IPC, 7/27 Arms Act, 16, 18, 19, 20, 39 of ULA(P) Act, by virtue of which the respondents have been enlarged on bail.

2. The appellant has impugned the aforesaid orders on the ground that despite there being bar contained in Section 43 (D) ULA(P) Act, the learned trial court has enlarged the respondents on bail.
3. **Mr. Mohsin Qadri, learned Senior AAG** appearing for the appellant has reiterated the submissions as recorded above and at the same time has submitted that all the witnesses in the instant case have already been examined and the challan is now at the stage of its conclusion.
4. *Per contra*, **Mr. Asif Ali, learned counsel for the respondents** has submitted that the respondents have been charged only for commission of offences under Sections 18, 19 and 39 of UAPA and were not charged under Section 307 IPC and 7/27 Arms Act and further that there is no allegation against the respondents in respect of commission of offence under Section 39 UAPA.
5. **Heard and perused the record.**
6. Record depicts that vide order dated 05.12.2024, the respondents were enlarged on interim bail and the learned trial court while enlarging the respondents on bail, has considered the statements of 13 witnesses examined by the prosecution, out of total 16 witnesses cited in the challan.
7. At this stage, we would not like to examine the evidence led by the appellant before the learned trial court because the trial is almost complete and any such examination/appreciation of evidence at this

stage, would amount to pre-judging the case, which is not permissible under law.

8. In view of the above, without commenting upon the merits of claims of the parties, the present appeal is disposed of by directing the learned trial court to decide the charge-sheet, as expeditiously as possible, without being influenced by any observation made in order dated 05.12.2024 in any manner.

9. Disposed of.

10. Copy of the order be sent to learned trial court for information and compliance.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Jammu
04.11.2025
Sahil Padha

Whether the order is speaking: Yes/No.

Whether the order is reportable: Yes/No.