

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

Reserved on: 15.09.2025

Pronounced on: 18.09.2025

CJ Court

Cr1A(D) No.32/2025

Zahid Ahmad Shah, aged: 37 years old
S/o Abdul Gaffar Shah R/o Rawalpura
Tehsil & District Kulgam Through his
brother, namely, Shakeel Ahmad
Shah, aged: 33 years R/o Rawalpura
Tehsil & District Kulgam.

...APPELLANT(S)

Through: - Mr. Parvaiz Nazir, Advocate.

Vs.

UT of J&K through SHO, Police
Station, Shopian.

...RESPONDENT(S)

Through: - Ms. Maha Majeed, Assisting Counsel.

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

JUDGMENT

OSWAL 'J'

1) The appellant had filed an application for grant of bail before the Court of learned Special Judge (Designated NIA Court for Shopian & Kulgam) at Kulgam (hereinafter referred to as "the trial court") on health grounds stating therein that the appellant was suffering from different ailments and was in need of emergent medical treatment from a specialized hospital.

2) The bail was objected to by the respondent on the ground that the appellant was continuously checked in

jail by visiting doctors as and when required, and the prescribed medicines were also being provided to him. It was further stated that he was sent to District Hospital, Pulwama, on 21.06.2024 for specialized medical checkup and treatment.

3) The learned trial court vide order dated 05.03.2025, rejected the application preferred by the appellant for grant of bail with an observation that the complaint of pain in genitals has already been addressed and the treatment for shoulder pain is under way. Further, the Superintendent, District Jail, Pulwama, was directed to ensure that the appellant was provided proper medical treatment.

4) Aggrieved of the order dated 05.03.2025, the appellant has filed this appeal on the grounds that he is facing severe health issue and is suffering from acute body and joint pain and he is being treated by heavy pain killers which may further result into deterioration of his health.

5) The respondent has filed the response stating therein that the appellant along with others is facing trial in FIR No. 126/2023 for commission of offences under Sections 307 IPC, 7/27 Indian Arms Act, 16, 18, 20, 23, 38 and 39

UA (P) Act registered with Police Station Shopian. As the appellant is seeking bail only on health grounds, therefore, we do not deem it proper to extract herein the allegations leveled against the appellant. The respondent has further stated the appellant is being continuously checked in the hospital by the visiting doctors and the medicines prescribed to him are also being provided.

6) Heard and considered.

7) Vide order dated 05.06.2025 passed by this court, the respondent was directed to submit a Medical Report in respect of health status of the appellant. The Medical Report has been placed on record and perusal of the same that the appellant has been continuously examined in the jail hospital by the visiting doctors as a case of Pain Genital. Further, he has been sent to District Hospital, Pulwama for specialized treatment on 21.06.2024, 10.07.2024, 20.08.2024, 13.09.2024, 18.11.2024, 17.02.2025 and 17.06.2025. It has also been stated that the requisite tests were conducted and medicines were provided to the appellant.

8) The judgment relied upon by the learned counsel for the appellant in case titled “**Nigeena Begum Vs. U.T Of J&K**” (CrIA(D) No.17/2024 decided on 05.06.2024) is not

applicable in this case. In the judgment referred to above, it has been held by this court that ordinarily, the consideration that the sickness is of such nature that it cannot be adequately or effectively treated in the prison hospital/medical facility attached to the prison, weighs with the court. The bail was granted to the lady in view of peculiar facts and circumstances of the case, that are missing in the present case.

9) There is nothing on record, to show that the appellant is suffering from some disease/ailment for which he cannot be treated in jail and any such medical situation exists, which warrants the release of the appellant on bail. The record further depicts that the regular medical treatment, as and when required, is being provided to the appellant. The learned trial court has also made similar observations while dismissing the application for grant of bail.

10) In view of the above, we do not find any illegality in the order dated 05.03.2025 passed by the learned trial court and, as such, without interfering with the same, we dispose of this appeal by directing the Superintendent of jail concerned to ensure that best possible treatment is provided to the appellant and if required, the appellant be also examined by a Specialist Doctor in SKIMS Soura,

Srinagar. The appellant shall also be at liberty to approach the learned trial court afresh, in case any emergent medical situation arises in future.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Srinagar
18.09.2025
“Bhat Altaf”

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

