

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

CrIA(D) 29/2023 CrIM 814/2023

**UNION TERRITORY OF J&K ... Appellant(s)
THROUGH SHO POLICE STATION
TARZOO**

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

FARHAT AH LONE S/O GH HASSAN LONE ...Respondent(s)

Through: Mr. Shah Aashiq, Advocate

CORAM:

**HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDE R

09.07.2025

1. This appeal under Section 21(4) of the NIA Act, filed by the Union Territory of J&K, is directed against an order dated 9th May, 2023, passed by the learned Special Judge (Designated Court under Section 22 of the NIA Act), Baramulla, ["the trial Court"], in case FIR No. 94/2018, for offences under Section 18 of the UAPA Act and Section 7/25 of the Arms Act.

2. The impugned order of the trial Court is challenged by the appellants primarily on the ground that the learned trial Court has failed to appreciate the fact that there is sufficient evidence connecting the accused person with the commission of offence and, that the respondent was not entitled to be enlarged on bail.

3. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the order passed by the trial Court is well reasoned and has taken into consideration all aspects of the matter. It is not in dispute that at the time of granting bail, the respondent had

been in custody of the appellants for more than four and a half years. The trial

Court has also taken note of the fact that during all these years i.e., four and a half years, the prosecution has been able to examine only a part of the evidence, and the remaining evidence was likely to take another five years to complete. The trial Court has further taken note of the statement of witnesses recorded in Court and has come to the conclusion that even the witnesses to the recovery have not proved the recovery and the seizure memos. In view of the weak evidence on record and the fact that the respondent had been in custody for more than four and a half years, the trial Court exercised its discretion to grant bail to the respondent.

4. It also needs to be noticed that the bail was granted to the respondent by the trial Court on 9th May, 2023, and during the last two years, the prosecution has failed to examine even a single witness. If this is the manner in which the case is being prosecuted by the appellants, we see no reason to differ with the trial Court's observations that the trial in this case would likely take another five to ten years to complete and during all these years we cannot keep the respondent in custody.

5. For the foregoing reasons, we find no reason or justification to interfere with the bail order passed by the trial Court, especially when it has not been brought to our notice that the respondent, after being released on bail, has either tampered with the prosecution evidence, failed to attend the trial regularly or has violated any of the conditions of bail.

6. The appeal is, accordingly, **dismissed** along with connected CM(s).

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:
09.07.2025
"Mir Arif"

Whether the order is reportable? Yes/No.