

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

Bail App 186/2025

UNION TERRITORY THROUGH POLICE
STATION SUMBAL

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

Through: Mr. Jahingeer A Dar, GA

Vs.

WASEEM AHMAD PARRA

...Respondent(s)

Through: Mr. Shabir Ahmad Shah, Advocate

CORAM:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL-JUDGE

ORDER
28.11.2025

Heard learned counsel for the parties and perused the record on file.

Trial court order whereby the accused is admitted to bail has been called in question and the order of bail granted is sought to be set aside.

The main ground taken by the applicant is that a heinous crime has been committed by respondent-accused that too against the minor for which he has been charge sheeted before the Trial court for offences punishable under Section 3/4, 5(m), 6 of POCSO Act. It is being submitted by applicant's counsel Mr. Jahingeer Dar, GA that serious allegations and sufficient material to support the prosecution allegations was before the court but while granting the bail it has brushed aside the same and granted the bail to the accused. It is being submitted by him that so far as the allegation are concerned there is a presumption that the offence has been committed against the accused but the Trial court has ignored the same and granted bail.

Mr. Shabir Ahmad Shah, Advocate, appearing for the respondent vehemently argued that the material on the record would show that false allegations have been levelled against the accused and on the basis of the said false allegations, he had been prosecuted, but evidence would show that accused had in fact not committed any offence but he has been falsely implicated at the instance of mother of the so-called victim.

Mr. Shabir Ahmad Shah, counsel for the respondent/accused has taken me through the statement recorded before the Trial court which has been reproduced in the order impugned. He submits that the statement of the victim makes it clear that whatever allegations have been made by her and the statements made by her before the police during the investigation were made by her at the instance and directions of her parents as well as mother. Therefore, he submits that there is no fault with the order passed by the Trial court and application filed by the applicant is required to be rejected.

I have considered the arguments and I have also gone through the allegations made and as well as the statements of witnesses. The most important statement in this case is that of the victim who has been cross examined and during the cross examination, she has stated in unequivocal terms that the statement which was recorded in support of the allegation was made by her at the instance of her mother. She has categorically stated that the allegations of bad touch and also having touched the private parts by the accused was made by her under instructions of her mother. Therefore, it is clear that she had not supported the prosecution version so far as the allegation is made. *Prima facie* respondent had made out a case for grant of bail before the Trial court and Trial court has after due consideration of the material on record on sufficient reasons granted bail to the respondent. There is nothing wrong found in the order passed by the Trial court. Therefore, this application deserves dismissal and is **dismissed**.

(VINOD CHATTERJI KOUL)
JUDGE

Srinagar
28.11.2025.
"Imtiyaz"