Serial No. 56

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

Bail App No. 76/2026

Sourav Kumar @ Sachin Kumar …..Appellant(s)/Petitioner(s)

Through: Mr. Keshav Gandhi, Advocate (th. VC)

vs

UT of J&K ….. Respondent(s)

Through: None

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

22.06.2026

1. After hearing the matter at length, learned counsel for the petitioner fairly conceded that the victim in the present case, which pertains to offences under the POCSO Act, has not yet been examined as a prosecution witness. He further acknowledged that examination of the victim at the earliest stage is a necessary consideration while dealing with a prayer for grant of bail in a POCSO matter. It was, however, submitted that the prosecution has deliberately failed to produce the victim, resulting in protraction of the trial, and that the trial Court has not taken adequate steps to secure the victim's presence. Learned counsel nevertheless stated that if appropriate directions are issued to the trial Court to ensure the early appearance and examination of the victim, he would not press the present bail petition and would be at liberty to seek appropriate relief before the trial Court thereafter.

2. In view of the aforesaid submission, the present petition is dismissed as withdrawn with a direction to the trial Court to

ensure that the victim is examined at the earliest possible opportunity. Having regard to the nature of the allegations and the legislative mandate under the POCSO Act for expeditious conclusion of such trials, the trial Court shall make all possible endeavours to secure the presence of the victim and record her testimony as a prosecution witness without undue delay. The petition stands ***disposed of*** accordingly.

(Sanjay Parihar)
Judge

Jammu
22.06.2026
Vishal Sharma

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