

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

OWP No. 1597/2017

Yash Raj Singh and others

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

Through: Mr. G.S. Thakur, Advocate

vs

Union of India and another

..... Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG with
Ms. Nisha Kangotra, Advocate

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

ORDER
10.07.2026

1. Heard learned counsel for the parties at the stage of admission.
2. The petitioners are arrayed as accused in five charge-sheets filed by the respondent—Central Bureau of Investigation, Jammu. Charge-sheets Nos. 1, 2, 3 and 5 are pending before the Court of the Principal District and Sessions Judge, Jammu, whereas Charge-sheet No. 4, in which apart from the petitioners a public servant, namely, T.R. Dogra, the then Branch Manager, Bank of Baroda, Gandhi Nagar, Jammu, has also been arraigned as an accused, is pending before the Court of the Special Judge, CBI, Jammu. The said charge-sheet pertains to the loan account of M/s Modern Agro Tech and alleges commission of offences punishable under Sections 5(2) read with 5(1)(d) of the Jammu and Kashmir Prevention of Corruption Act, Samvat 2006, besides the offences under the Ranbir Penal Code. The petitioners had earlier filed OWP No. 1597/2017 and OWP No. 848/2018 seeking quashment of the aforesaid charge-sheets.
3. In OWP No. 1597/2017, this Court, vide order dated 06.10.2017, stayed further proceedings in relation to Charge-sheets Nos. 1, 2, 3 and 5 arising out of offences under Sections 420, 467, 468, 471 and 120-B RPC.

Subsequently, the petitioners also instituted OWP No. 848/2018 challenging Charge-sheet No. 4 pending before the learned Special Judge, CBI, Jammu.

4. During the pendency of the proceedings, both the writ petitions came to be dismissed for want of prosecution on 14.02.2023. The petitioners, however, sought restoration only of OWP No. 1597/2017. No steps were taken for restoration of OWP No. 848/2018. Consequently, as on date, this Court is seized only of OWP No. 1597/2017.
5. During the course of arguments, learned counsel for the petitioners fairly submitted that, insofar as Charge-sheets Nos. 1, 2, 3 and 5 pending before the Court of the Principal District and Sessions Judge, Jammu are concerned, the petitioners do not press the challenge thereto. The only contention advanced was that Charge-sheet No. 4, pending before the learned Special Judge, CBI, Jammu, arises out of the same transaction and, therefore, the petitioners cannot be subjected to prosecution twice for the same cause.
6. Per contra, learned counsel appearing for the respondent-CBI submitted that Charge-sheets Nos. 1, 2, 3 and 5 relate to distinct and independent transactions, though all emanate from FIR No. RC0042011A0002 dated 25.03.2011. It was contended that the said charge-sheets pertain to separate loan accounts and overdraft facilities, namely those of M/s Aditya Ice Factory, M/s Bright Engineering, the overdraft facility sanctioned in favour of petitioner Khema Kumari and the overdraft facility availed by petitioner Yash Raj Singh. It was further submitted that Charge-sheet No. 4 stands on an entirely different footing as it alleges a criminal conspiracy between petitioner No. 1 and the then Branch Manager, T.R. Dogra, a public servant, who, by abusing his official position, facilitated the illegal sanction and diversion of loan funds in favour of M/s Modern Agro Tech, thereby attracting offences punishable under Sections 420 and 120-B RPC as well as

Sections 5(2) read with 5(1)(d) of the Jammu and Kashmir Prevention of Corruption Act, Samvat 2006.

7. I have heard learned counsel for the parties and considered the material available on record.
8. Insofar as Charge-sheets Nos. 1, 2, 3 and 5 are concerned, learned counsel for the petitioners has, in essence, not pressed the challenge. It is also not disputed that charges have already been framed in all the said cases and the trials have progressed to a considerable extent. No exceptional or extraordinary circumstance has been demonstrated warranting interference by this Court in exercise of its writ jurisdiction under Article 226 of the Constitution of India. The investigation has not been shown to be vitiated by mala fides or any patent illegality, nor has any jurisdictional error been pointed out in the proceedings before the trial Court. Once competent courts have taken cognizance, framed charges and the trials are underway, this Court would be slow to interdict the criminal proceedings in the absence of compelling reasons. The petitioners have failed to make out any such case. Consequently, the challenge to Charge-sheets Nos. 1, 2, 3 and 5 is devoid of merit and is liable to be rejected.
9. Insofar as Charge-sheet No. 4 is concerned, the same was the subject matter of OWP No. 848/2018, which admittedly stood dismissed for want of prosecution on 14.02.2023. The petitioners have not sought restoration of the said writ petition. In the absence of any subsisting challenge to Charge-sheet No. 4, no relief can be granted in the present proceedings. The issue sought to be raised by the petitioners in relation thereto does not survive for consideration in this writ petition.
10. Accordingly, the writ petition is dismissed. The interim order, if any, shall stand vacated. The trial Courts concerned shall proceed with the trials in all

the five charge-sheets strictly in accordance with law and shall make every endeavor to conclude the proceedings expeditiously, without being influenced by any observation made herein.

11. Let a copy of this order be transmitted to the Court of the Principal District and Sessions Judge, Jammu, as well as to the Court of the Special Judge, CBI, Jammu, for information and compliance.

(Sanjay Parihar)
Judge

Jammu
10.07.2026
Rahul Sharma

