

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Bail App No. 127/2025

Reserved On: 13.02.2026
Pronounced On: 19.02.2026
Uploaded On: 19.02.2026

*Whether the operative part or
full judgment is pronounced-Full Judgment*

Ranjeet Singh S/O Avtar Singh
R/O Deep Nagar, Kunjwani, Jammu.

.....Applicant(s)/Petitioner(s)

Through: Mr. Rameshwar Singh Jamwal, Advocate.

vs

Union Territory of J&K
through Police Station Bahu Fort,
Jammu.

..... Respondent(s)

Through: Mr. P.D. Singh, Dy. AG.

CORAM: HON'BLE MR. JUSTICE MA CHOWDHARY , JUDGE

ORDER

01. Applicant, through the medium of instant bail application moved U/S 483 BNSS, seeks grant of bail, in a case registered vide FIR No.259/2017 on 07.11.2017 at P/S Bahu Fort, Jammu against him and his son for the commission of offences punishable under Sections 302 RPC and 3/25 Arms Act, on being rejected his earlier bail application by learned Additional Sessions Judge, Jammu (hereinafter called 'Trial Court').

02. The facts as pleaded by the applicant are that the applicant and one-Charanjeet Singh were partners in transport business but due to some

difference, turned enemies; that on 07.11.2017 at Transport Nagar, Jammu, Charanjeet Singh with his accomplices allegedly made a murderous attack on the applicant and his son with pistols and hockey sticks and seriously injured them; that in self defence, the applicant reciprocated by firing two shots from his licensed pistol, as a result of which, the said Charanjeet Singh expired; that while the appellant and his son were undergoing treatment in Medical College Hospital, Jammu due to injuries received in the attack, the applicant was got arrested by Police of Police Station Bahu, Jammu and his son was not arrested in view of serious injuries received in the scuffle; that the police framed the applicant and his son as accused and presented challan against the applicant and his son U/S 302 RPC; that son of the applicant was proceeded U/S 512 CrPC as he was not traceable; that the applicant has been suffering from multiple ailments and applied for parole, which was rejected by the Trial Court; that the applicant also filed application for regular bail as he is in jail for more than seven years and there is no chance of the early conclusion of the trial in the near future seeing the pace of the trial, however, his bail application was rejected by Trial Court vide order dated 09.04.2025.

03. Aggrieved of the decline of bail to the applicant by the trial court, he has filed the instant bail application, inter alia, on the grounds that the applicant was in continuous incarceration for over 8 years and out of 28 listed prosecution witnesses, only 14 have been examined; that applicant has been falsely implicated in the aforesaid case; that bail is the rule and jail is the exception; that the applicant is entitled to speedy trial, as such, he be admitted to bail.

04. Objections stand filed on behalf of the respondent to the bail application, in which, it is inter alia, contended that the material witnesses are yet to be

examined and in view of extent of the maximum sentence to which the applicant can be subjected to on conviction, the instant application on the ground that he has been in custody for a prolonged period per se, is misconceived and liable to be dismissed; that the offence committed by the applicant is heinous in nature which carries severe punishment; that there is every apprehension that the petitioner may influence the prosecution witnesses. Lastly, it is contended that the applicant does not deserve concession of bail.

05. Learned counsel for the applicant/accused argued that accused being in continuous custody since his arrest in the year 2017, has suffered long incarceration, as against his right of speedy trial; that out of 28 prosecution witnesses, only 10 PWs have been examined, prosecution has barely examined **50%** of them. He further argued that there cannot be any risk of tampering the evidence; that applicant is deep rooted in society and, thus, there is no risk of his fleeing/absconding/evading his prosecution during trial, if he is admitted to bail. It was, finally, prayed that on the ground of long incarceration the applicant be admitted to bail. In support of his contentions, the learned counsel, has relied upon the judgment of the Apex court in the cases of ‘Petition for Special Leave to Appeal (Crl.) No.1398/2026 titled *‘Anoop Singh V. U.T. of J&K’* decided on 03.02.2026, *‘Chintan Vidyasagar Upadhyay V. State of Maharashtra’* reported as AIR ONLINE 2021 SC 1383; *‘Niranjan Das Alias Niru Das Alias Mahanto V. State of West Bengal’* reported as AIR 2023 SC 5758; and judgment of this court in Bail App No.141/2024 titled *‘Khalid Hussain V. State of J&K’* decided on 20.11.2025 and in Bail App. No. 130/2025 titled *‘Ajay Kumar Gupta & Anr. V. UT of J&K’* decided on 20.12.2025.

06. While opposing the prayer for grant of bail, learned State Counsel, vehemently argued that mere long incarceration of 8 years cannot be a ground for grant of bail, in the present case as a precious human life is exterminated by the applicant; that the applicant, however, at the best, can pray for direction to the trial court for expeditious trial of the case before it; that applicant/accused being charged of the commission of murder which is a heinous offence with gravity of punishment of death sentence or life imprisonment is not entitled to any concession of bail, as he may not face trial and make attempt to influence the prosecution witnesses yet to be examined, in order to tamper with the evidence, to thwart his conviction; that, moreover, son of the applicant who is also co-accused in the case has already absented from the proceedings and is yet to be apprehended, which gives a perception and rightly that petitioner in case of grant of bail may also abscond from proceedings. Lastly, it is prayed that the applicant does not deserve any concession of this court and his bail application be dismissed forthwith.

07. Heard learned counsel for the parties at length, perused the scanned record received from the trial court and considered the matter.

08. The prosecution has cited as many as 28 prosecution witnesses in the case and as per objections filed on behalf of respondent, **50%** of the prosecution witnesses have already been examined so far.

09. The long incarceration is one aspect of the matter for consideration of bail and other aspects/factors are also to be borne in mind, vis-à-vis (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the accusation; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means,

position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being influenced; and (viii) danger, of course, of justice being thwarted by grant of bail. (See: [Ram Govind Upadhyay Vs. Sudarshan Singh & Ors. reported in \(2002\) 3 SCC 598](#)).

10. The applicant/accused though in custody for the last eight years but he has been charged of the offence of murder by using a fire-arm, in broad day light at Transport Yard under the jurisdiction of Bahu Police Station. His son was also stated to be involved in the commission of this offence, however, he had absconded allegedly out of this country and in view of this fact, the apprehension of the flight risk, tampering of prosecution evidence, when some of the eye-witnesses are yet to be examined. Mere long incarceration during trial at the cost of aforesaid risks, having regard to serious nature of the charge of murder, gravity of the punishment of either death or life imprisonment sentence, in the considered opinion of this court, applicant/accused is not entitled to be released on bail, as it may thwart the course of justice.

11. The delay in completion of trial is a matter of concern as the speedy trial is also a valuable right not to be trampled ordinarily, however, sometimes due to docket explosion and other factors trial delays. The trial court shall be well advised to make best efforts to conclude trial expeditiously and the applicant be at liberty to move afresh, after eye-witnesses are examined by the trial court.

12. For the aforesaid reasons, this court is of the considered opinion that the applicant is not entitled to be enlarged on bail having regard to the nature and gravity of the offences of which applicant is charged and the various factors

enumerated above, the application is found to be misconceived and is liable to be rejected.

13. Viewed thus, the application for grant of bail moved by the applicant herein is, thus, **dismissed**, alongwith connected application(s).

(M.A Chowdhary)
Judge

Jammu
19.02.2026
Raj Kumar

Whether the order is speaking? : Yes/No.
Whether the order is reportable? : Yes/No.

