

Regular List
Serial No. 141

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

CM(M) No. 90/2026

Date of pronouncement : 13.05.2026
Uploaded on : 18.05.2026

Jivitesh Syal
.....Petitioner

Through:- Mr. Ayushman Kotwal, Advocate

V/s

UT of J&K
.....Respondents

Through:-

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
JUDGMENT (ORAL)

1. The petitioner is a Bachelor of Laws with Honours from the University of Liverpool (England) as is borne out from the Degree annexed along with the petition obtaining at page No. 12 as Annexure-I.
2. On the strength of above mentioned professional degree, the petitioner is expecting his employment outside India with a concern namely Direct Line Group (DLG).
3. While the law is meant to take the petitioner towards better future but the same law is also keeping the petitioner entangled in an ongoing criminal case pending disposal before the Court of learned Judicial Magistrate, 1st Class (Sub-Judge), Jammu, related to **FIR No. 0258** dated

06.10.2020 registered by the Police Station, Bahu Fort for alleged commission of offences under sections **8/20/25/29** of the Narcotic Drugs and Psychotropic Substances (NPDS) Act, 1985 which resulted in presentation of a final police report **No. 50/2021** dated **27.04.2021** which is almost after six months of investigation with effect from date of registration of FIR .

4. The petitioner came to be arrayed as an accused No.1 and even suffered arrest on **05.10.2020** to come out on bail and is, thus, an undertrial on bail.

5. The other accused named is Jahan Sahani, who was minor at that time of alleged commission of offences and, thus, came to be treated as juvenile and dealt accordingly.

6. The charge-sheet came to be presented for commission of offences under section 8/20/25/29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985.

7. Eleven (11) Prosecution Witnesses have been named to depose in support of the Police Report to bring home charges against the accused, out of which three prosecution witnesses, namely, prosecution witness No.1- ASI Youdhvir Singh, prosecution No.2- Sg. Ct. Sunil Kumar and prosecution witness No. 4- SPO Vipan Choudhary have been examined thereby leaving eight (8) more witnesses to be yet examined.

8. Out of the remaining eight (8) prosecution witnesses, prosecution witness No. 5- Mrs. Ekta Siyal is the mother of the petitioner being witness with respect to the Supurdnama, prosecution witness No. 6 is Amit Goyal, who is

also a witness with respect to Supurdnama and the prosecution witness No.7 is Param Sayal, father of the petitioner, who is also a witness to Supurdnama meaning thereby the actual witnesses who are required to be examined in connection with the actual proving of offences are prosecution witness No. 3- Sg. Ct. Sudesh Kumar, prosecution witness No. 8- HC Mohd Younis, prosecution witness No. 9- Sh. Ravinder Kumar, Executive Magistrate 1st Class, Rakh Bahu, prosecution witness No. 10- Sh. Pawan Kumar Abrol, FSL Jammu and prosecution witness No. 11- Deepak Pathania.

9. The petitioner has come forth with the present petition under article 227 of the Constitution of India feeling aggrieved that the trial, which is going at snail's pace if allowed to stay under same pace, is likely to mar the very future of the petitioner.

10. Mr. Ayushman Kotwal, learned counsel for the petitioner submits that both life and law are enabling in nature and not meant to frustrate the progression of life of a person.

11. Learned counsel for the petitioner submits that the trial court of learned Judicial Magistrate, 1st Class (Sub-Judge), Jammu needs to be urged for taking up the trial on an expeditious note and for that purpose getting the prosecution witnesses summoned compulsorily so as to enable the final adjudication of the case as early as possible

so that the petitioner does not suffer adverse consequences in the event of getting acquittal from court but losing the opportunity of life in terms of his employment.

12. This Court sees no reason to decline the petitioner in his petition, as such, this Court directs learned Judicial Magistrate, 1st class (Sub-Judge), Jammu to get all remaining prosecution witnesses examined by or before **30.06.2026** and for that purpose SHO, Police Station Bahu Fort shall be mandated to ensure that all remaining prosecution are summoned for the given dates before the cut-off date of 30.06.2026 and thereafter the matter be taken up for further adjudication in accordance with the Code of Criminal Procedure, 1973 which is still governing the trial of the present case.

13. ***Disposed of.***

14. Copy of this order be forwarded to learned Judicial Magistrate, 1st Class (Sub-Judge), Jammu and SHO, Police Station- Bahu Fort.

(RAHUL BHARTI)
JUDGE

JAMMU
13.05.2026

Sneha

Whether the judgment is speaking: Yes/No

Whether the judgment is reportable: Yes/No