

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Bail App No. 168/2025

Pronounced on: 06.03.2026

Uploaded on : 06.03.2026

Vidya Sagar

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

Through: Mr. Arshad Majid Malik, Advocate

vs

UT of J&K & Anr.

..... Respondent(s)

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

I.O. is present along with C.D.

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

ORDER

06.03.2026

1. In terms of order dated 24.02.2026, the SHO, Police Station Domana, was directed to ensure service upon respondent No. 2 (the complainant/prosecutrix) with regard to the pendency of the present application. However, no compliance report was received from the concerned officer. Accordingly, vide the previous order, the SHO, Police Station Domana, was directed to appear in person today along with the case diary.
2. Today, PSI Sahil Singh Chib has appeared along with the case diaries and submitted in open Court that the SHO, Police Station Domana, is presently engaged in law-and-order duty on account of some disturbance reported at Pouni Chack, and, therefore, has expressed his inability to appear in person before this Court.
3. This Court has perused the case diaries bearing DD No. 3 dated 05.12.2025, and DD No. 4 dated 10.02.2026, from which it transpires that service of the prosecutrix could not be effected as she is presently not traceable. It is recorded therein that several efforts were made by the Investigating Officer to locate her; however, the same have not yielded the desired result. Consequently, even the statement of the prosecutrix under Section 164 of

the Code of Criminal Procedure could not be recorded before the Magistrate.

4. Learned counsel for the petitioner submits that the status reflected in the case diary fortifies his contention that the allegations levelled in the FIR are false and motivated, and that the prosecutrix, after lodging the FIR, has deliberately chosen not to come forward to support the prosecution by getting her statement recorded before the Magistrate.
5. On the other hand, learned counsel appearing for the respondents submits that the investigation in the matter is still underway and that earnest efforts are being made by the Investigating Agency to trace the prosecutrix so that her statement can be recorded in accordance with law.
6. It is pertinent to note that the petitioner, vide order dated 17.06.2025, was granted interim protection from arrest, subject to the condition that he shall cooperate with and remain available during the course of investigation.
7. Learned counsel for the petitioner has further placed on record certain communications addressed to the police authorities, including senior officers, requesting them to verify the alleged falsity of the FIR, asserting that the same has been orchestrated only with an intent to harass and malign the petitioner.
8. Be that as it may, the record reveals that despite the registration of the FIR, the prosecutrix has not appeared before the Investigating Officer, nor has she taken steps for recording of her statement before the Magistrate under Section 164 Cr.P.C. The absence of any such cooperation from the prosecutrix at this stage, coupled with the fact that she remains untraceable, creates a situation where the investigation has not been able to progress in the usual manner. Without expressing any opinion on the merits of the allegations, this Court finds that the petitioner has duly complied with the conditions imposed by this Court while granting interim protection and has also joined the investigation, which fact stands reflected from the case diary.
9. In the aforesaid circumstances, and having regard to the stage of investigation, this Court is of the considered view that no useful purpose would be served by keeping the present application pending, particularly

when the petitioner has already enjoyed interim protection and has complied with all the conditions imposed therein.

10. Accordingly, the present application is allowed, and the interim protection granted in favour of the petitioner vide order dated 17.06.2025 is made absolute, subject to the condition that the petitioner shall appear before the Investigating Officer today itself and furnish bail bonds to the satisfaction of the Investigating Officer, and shall continue to cooperate with the investigation as and when called upon to do so.
11. The case diaries dated 05.12.2025 and 10.02.2026, a copy whereof has been taken on record, are returned to the learned counsel for the respondents in original.

Jammu
06.03.2026
Vishal Sharma

(Sanjay Parihar)
Judge

Whether the order is reportable: No

Whether the order is speaking: Yes