

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

Case:- Bail App No. 113/2026

Rahul Dhawan, age 32 years S/o Ashok Dhawan
R/o H.No. 99, Lane No. 6, Subash Nagar, Jammu

.....Petitioner(s)

Through: Mr. Ashok Sharma, Advocate

Vs

UT of J&K, through Station House Officer, Police Station
Bakshi Nagar, Jammu.

..... Respondent(s)

Through: Mr. Pawan Dev Singh, Dy AG

Coram: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
(07.10.2026)

1. Through the medium of this application, filed under Section 482 of Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023, the petitioner is seeking bail in anticipation of arrest in connection with FIR No.41/2026 dated 19.04.2026 registered at Police Station, Bakshi Nagar, Jammu for commission of offences under Sections 126(2), 115(2), 3(5) of Bhartiya Nayaya Sanhita (BNS) & 4/25 Arms Act.
2. It is stated that the petitioner had earlier approached the Court of learned 3rd Additional Sessions Judge, Jammu seeking anticipatory bail and vide order dated 25.04.2026, he was granted bail in anticipation of his arrest subject to certain conditions as enumerated in the said order. However, the said order of granting anticipatory bail was subsequently recalled vide order dated 29.04.2026, on account of the petitioner's failure to comply with the condition requiring him to appear before and cooperate with the Investigating Officer during the course of investigation.

2. Feeling aggrieved, the petitioner approached this Court by way of instant Bail App No.113/2026 seeking bail in anticipation of his arrest. This Court vide order dated 05.06.2026, as an interim measure, granted bail in anticipation of his arrest in connection with FIR No.41/2026 dated 19.04.2026 registered at Police Station, Bakshi Nagar, Jammu for commission of offences under Sections 126(2), 115(2), 3(5) of Bhartiya Nayaya Sanhita (BNS) & 4/25 Arms Act, subject to certain conditions enumerated in the order, while taking into account the fact that his daughter, who was admitted in AIMS, Vijaypur, had been referred to PGI Chandigarh on 27.04.2026 and the petitioner was accompanying her daughter.
3. Mr. Pawan Dev Singh, learned Dy AG appearing for the respondent has filed objections, whereby it is stated that during the course of investigation, the Investigating Officer proceeded to the scene of crime, seized one e-auto bearing registration No. JK02DN-0672 from the place of occurrence and prepared the site plan and also recorded the statements of the witnesses u/s 180 BNSS. The weapon of offence i.e. 'Toka' had also been seized by the I.O. It is further stated that the other accused persons, namely, Krish Dhawan, Nikhil Dhawan and Saurav Verma, who are also involved in the aforesaid FIR, have been bailed out after securing pre-arrest bail orders from the competent Court. It is also stated that applicant/petitioner Rahul Dhawan after obtaining an order of anticipatory bail, failed to report to and cooperate with the Investigating Officer and

has, since then, been absconding. Despite the issuance of multiple notices u/s 35(3) BNSS from time to time, the applicant/petitioner neither appeared nor cooperated with the investigation and search of the accused person is underway. Consequently, on the basis of the report submitted by the I.O, his bail was cancelled by the trial court. It is further stated that the I.O has presented the charge sheet before the Court of learned City Judge, Jammu, for trial on 06.06.2026.

- 4. Since the Challan/charge-sheet has already been presented before the learned Magistrate, it would be appropriate for the applicant/petitioner to approach the learned Trial Court for seeking regular bail in accordance with law.
- 5. Accordingly, this application is disposed of by providing liberty to the petitioner to approach trial Court for seeking regular bail in accordance with law. Interim direction dated 05.06.2026 shall stand vacated forthwith.

(MOKSHA KHAJURIA KAZMI)
JUDGE

JAMMU
07.10.2026
(Anil Sanhotra)

Whether the order is speaking: Yes
Whether the order is reportable: No