

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Bail App. No.124/2026

Reserved on: 30.09.2026
Pronounced on: 08.10.2026.
Uploaded on: 08.10.2026
Operative part or full judgment: **Full**

1. Satpal Sharma (59 years)

S/O Mani Ram
R/O Near Kailash Ashram,
Bantalab, Jammu.

2. Balwant Raj (44 years)

S/O Mani Ram
R/O Bantalab, Jammu

...Petitioner(s)

Through: Mr. Anmol Sharma, Adv.

Vs.

1. Union Territory of Jammu & Kashmir

through Station House Officer,
Police Station, Ransoo,
District Reasi.

2. Santosh Kumari

W/O Kanj Lal,
R/O Village Thiro,
Tehsil Pouni,
District Reasi.

...Respondent(s)

Through: Mr. Sumeet Bhatia, GA for R-1.
Mr. Nigham Saroop, Adv for R-2.

CORAM: HON'BLE MR. JUSTICE M. A. CHOWDHARY, JUDGE

JUDGMENT

1. The applicants, through the medium of this application, seek grant of bail, in anticipation of their arrest, in case FIR No. 04/2026 dated 28.04.2026, registered at Police Station Ransoo, for commission of offences, punishable under Sections 127(2), 137(2), 351(2), 49, 238(c), 64 of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS"), and Sections 4, 8, 12 & 17 of the

Protection of Children from Sexual Offences Act, 2012 (for short, “POCSO Act”), asserting, therein, that they have been falsely implicated, in the case, by the complainant/respondent no.2, by leveling false allegations. The applicants have also called in question the order dated **04.06.2026**, passed by the learned trial Court, whereby, their application, for bail, came to be rejected.

2. Brief facts, which led to the filing of this application are that on 28.04.2026, respondent no.2/complainant namely Santosh Kumari W/O Kunj Lal R/O Theru, Tehsil Pouni District Reasi, reported in Police Station Ransoo, and lodged a written complaint, stating therein that on 23.04.2026, her daughter, aged 16 years, went to school and did not return home causing lot of concern for the family; that complainant sought her all around and also enquired from relatives for a clue but drew a blank; that after three days, one person namely Satpal (petitioner no.1 herein) rang her up and informed that her daughter was seen in Bhambla Market, along with a person namely Rohit Kumar; that, on receiving the said information, complainant, along with her family reached there; that on seeing them, said Rohit Kumar fled away from the spot, whereas, she brought her daughter back home.

3. It was alleged that on asking, it was narrated by her daughter that when she was going to school on 23.04.2026, the accused Rohit Kumar, signalled the tempo to stop, boarded the

said tempo and told the daughter of complainant that he would drop her to school; that, thereafter, she fell unconscious and when she gained consciousness, she was at Village Bhambla; that accused has kidnapped her daughter with criminal intention to malign the image of her family; that, on the basis of above complaint, FIR No.4/2026 came to be registered at P/S Ransoo and investigation was set in motion; that the petitioners filed application U/S 482 BNSS, for grant of bail, in anticipation of arrest, in favour of the applicants, before the Sessions court, Reasi, who, vide, its order dated 04.06.2026, rejected the same. It is, in this backdrop, the petitioners have approached this court seeking bail, in anticipation of their arrest, in case, FIR No.04/2026, registered at P/S Ransoo, Reasi, for commission of offences punishable under Sections 137(2), 127(2), 351(2), 49, 238(c), 64 BNS and 4, 8, 12 & 17 POCSO Act.

4. Objections stand filed on behalf of respondent No.1-SHO, P/S Ransoo, stating therein that during the course of investigation, it was established that Rohit Kumar (main accused) kidnapped the victim minor girl from Theru in an E-Rickshaw bearing Registration No.JK20C-3508; that investigation further revealed that said Rohit Kumar committed the offence after the family of the victim girl refused his marriage proposal, as the victim was minor girl of age below 18 years; that Satpal Sharma (applicant no.1) and Balwant Raj (applicant no.2) intentionally aided and abetted said Rohit

Kumar in the commission of offence by arranging hotel accommodation for him for the period w.e.f. 23.04.2026 to 25.04.2026; that during the investigation, the Entry Register of Hotel New Surya Lodge, Hari Market , Jammu, was examined, wherein entry at Serial No. 945 dated 24.04.2026 was found in the name of Rohit Kumar, showing his arrival at 6:20 p.m., allotment of room no.103, accommodation of four persons shown as family members and departure on 25.04.2026; that the mobile number recorded in the hotel register was that of applicant no.2; that the receptionist of the hotel produced a pen drive containing a video recorded on his mobile phone, showing applicant no.2 visiting the hotel and requesting the staff to remove his mobile number and personal details from the hotel records; that the Entry Register of Kirti Home Stay, Dry Fruit Market, Jewel, Jammu, in Serial No. 455 dated 23.04.2026 and statements of hotel staff would show that four to five persons had arrived and one of them identified himself Satpal Sharma (applicant no.1) as a police official and produced a Police Identity Card, photocopy whereof was retained by the hotel; that it was also established that applicant no.2 (Balwant Raj) paid Rs.600/- as room charges through a UPI transaction; that the bank account statement of Balwant Raj further confirmed that an amount of Rs.600/- was transferred through UPI to the account of Kirti Home Stay towards payment of the room charges; that during test identification parade, the victim

identified both the applicants; that the Call Detail Records (CDRs) of the mobile numbers of accused, when read together with the statement of victim and other evidence collected during the course of investigation establishes the active involvement and association of Satpal Sharma (applicant no.1) and Balwant Raj (applicant No.2) with Rohit Kumar during the commission of the offence; that the applicants knowingly aided and abetted the main accused (Rohit Kumar) by arranging hotel accommodation, facilitating his movements and attempting to tamper with material evidence; that accused Rohit Kumar was arrested in the present case on 06.05.2026 and the applicants herein has been granted interim protection by this court, and accused Tilak Raj is presently on bail; that giving information to the victim's family by applicant no.1 about the whereabouts of their daughter was a modus operandi adopted by him to cover up his wrong doing. Lastly, it is prayed that the interim protection granted to the applicants be vacated and the application be dismissed.

5. Respondent no.2/complainant, pursuant to notice has filed her reply through Mr. Nigam P. Saroop, Panel Counsel of High Court Legal Services Committee. A perusal whereof, would show that she stated having no objection, in case, relief, as prayed for, by the petitioners in this application, is granted, subject to the terms and conditions to be imposed by this court.

6. Learned counsel appearing for the applicants, while arguing the case and seeking the applicants' enlargement on bail, urges that the applicants are accused of having committed abetment, but the fact of the matter is that they helped in recovery of the victim; that the victim as well as her mother both refused for conducting medical examination of victim; that no scientific evidence is forthcoming from the rooms, where victim was allegedly lodged and sexually assaulted by the main accused; that there is no evidence, much less CCTV footage, of both the hotels at the time of entry, which may connect the applicants with the commission of alleged offences; that a person who merely arranges a room for another person for stay cannot be accused of abetment. He submitted that even the prime accused-Rohit Kumar, in this case has been granted protection by this court on 06.06.2026 in CRM(M) No. 601/2026, whereby, this court directed the investigating agency to go ahead but not to present the final report/challan without prior permission of this court; that the applicants have instituted a criminal writ petition WP(Crl) No. 43/2026 before this court, wherein vide order dated 20.05.2026, the SHO concerned and the I.O. were directed not to summon the applicants in connection with the investigation arising out of the aforesaid FIR. Lastly, it is prayed that the application be allowed and they be admitted to bail. In support of his contentions, learned counsel appearing for the petitioners has relied upon

decision dated 13.01.2023 of Hon'ble High Court of Madhya Pradesh at Jabalpur in CRA No.9459/2022 titled '**Naushad Khan v. The State of Madhya Pradesh**'.

7. Mr. Sumeet Bhatia, GA, learned counsel appearing for the respondent No.1, ex-adversus, opposed the present application and contended that the applicants do not deserve the concession of bail, as they are involved in heinous and non bailable offences; that the offences, of which the applicants are alleged to have committed, are punishable, which carries punishment of imprisonment for a term which may extend to one year or with fine upto Rs.5,000/-; for offence U/S 137(2), punishment of imprisonment up to seven years and fine also; for offence U/S 351(2), punishment prescribed is upto 2 years; and for offence U/S 17 POCSO, for abetment in committing the offences U/Ss 4, 8 & 12 of POCSO Act, carries punishment with imprisonment for a term of not less than ten years but may extend to imprisonment for life, thus attracts the rigors of Section 437 CrPC, hence, the applicants, cannot be admitted to bail. He, further, argued that the applicants, at the most, pray for direction to the trial court, for timely conclusion of trial. Lastly, it is prayed that the bail application be out-rightly rejected and a direction be issued to the Investigating Officer to conclude the investigation and present the charge sheet, before the competent court of law, so that, the culprits be brought to justice.

8. Heard learned counsel for the parties, perused the material available on record and considered the matter.

9. Hon'ble the Supreme Court, in a catena of judgments, has laid down principles for consideration for grant of anticipatory bail and as to how to exercise the power while granting bail.

(i) In [Bhadresh Bipinbhai Sheth Vs. State of Gujarat & Anr](#), reported as **2016 (1) SCC (CrI) 240**, relied upon by learned counsel for the petitioners, the Supreme Court while granting anticipatory bail for offence under [Section 376](#) IPC has held:

"Before we proceed further, we would like to discuss the law relating to grant of anticipatory bail as has been developed through judicial interpretative process. A judgment which needs to be pointed out is a Constitution Bench Judgment of this Court in the case of [Gurbaksh Singh Sibbia and Others v. State of Punjab](#) [1980 2 SCC 565]. The Constitution Bench in this case emphasized that provision of anticipatory bail enshrined in [Section 438](#) of the Code is conceptualized under [Article 21](#) of the Constitution which relates to personal liberty. Therefore, such a provision calls for liberal interpretation of [Section 438](#) of the Code in light of [Article 21](#) of the Constitution. The Code explains that an anticipatory bail is a pre-arrest legal process which directs that if the person in whose favour it is issued is thereafter arrested on the accusation in respect of which the direction is issued, he shall be released on bail. The distinction between an ordinary order of bail and an order of

anticipatory bail is that whereas the former is granted after arrest and therefore means release from the custody of the police, the latter is granted in anticipation of arrest and is therefore, effective at the very moment of arrest. A direction under [Section 438](#) is therefore intended to confer conditional immunity from the 'touch' or confinement contemplated by [Section 46](#) of the Code."

(ii) The Hon^{ble} Apex Court, while considering the scope of bail in anticipation of arrest, in a case, involving serious criminal offences, in case titled as "[Ajwar Vs. Waseem & Anr](#)" connected with other cases reported as **2024 (6) Scale 461** in paragraph 26 held as under:

*"**26.** While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, to role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and overall desirability of releasing the accused on bail."*

10. Applicants are neither main accused nor are accused of having abetted in the commission of any of the main offences. They have been charged to have abetted the commission of

offences of kidnapping and illegal confinement of the alleged victim by the main accused. They have been charged to have conspired and abetted the main accused by providing him logistic support, in arranging the transport and room of a hotel, when main accused was alleged to have committed serious offences on the person of the victim.

11. The petitioners/applicants had been granted interim bail by a co-ordinate Bench of this Court vide order dated 24.06.2026. The non-applicants have not pointed out the contravention of any of the conditions of the interim bail by the applicants after the grant of interim bail in their favour. Without commenting upon the merits of the case, the matter for grant of bail in anticipation of arrest is to be considered.

12. Having regard to the decisions rendered by Hon'ble Supreme Court in the cases ([supra](#)), the allegations and objections filed by the non-applicant and considering the nature of the offences with which the applicants have been charged of and also viewing that bail is the rule and jail is the exception, this Court is of the considered opinion that the applicants are entitled to be admitted to bail, particularly so when the respondent no.2/complainant who is mother of the victim has also wished that they are admitted to bail, as submitted in her objections through the counsel. It will be in the interest of justice if the interim bail granted to the applicants is made absolute.

13. In the aforesaid backdrop of the matter, the law discussed hereinabove and in view of the facts and circumstances of the case in hand, the bail application is allowed and the interim bail granted to the petitioners vide order dated 24.06.2026 is made absolute, subject to the following conditions, that the petitioners shall:

- (i) fully cooperate with the Investigating Officer of the case as and how directed;
- (ii) not leave the UT of J&K, without permission from the SHO, Police Station concerned, during investigation;
- (iii) not, in any manner, attempt to frustrate the investigation or tamper with the prosecution evidence; and
- (iv) furnish personal as well as surety bond of an amount of Rs. 50,000/- each, to the satisfaction of the SHO, Police Station concerned.

14. The bail application is, '**disposed of**' along with connected application(s).

(M. A. CHOWDHARY)
JUDGE

Jammu
08.10.2026.
Raj Kumar

Whether the order is reportable: Yes / No