

Regular List
Serial No. 97

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

B A No. 129/2026

Date of Pronouncement:-17.07.2026
Uploaded on:- 17.07.2026

**Vishal Dayal, Age 26 years,
S/O Late Sh. Prem Chand,
R/O Gho Manhasan,
Tehsil Marh & District, Jammu.**

.....Applicant/Petitioner(s)

Through: Mr. Ajay K Gandotra, Sr. Adv. with
Ms. Lakshi Bral, Advocate.

Vs

**UT of J&K through
SHO Police Station, Domana Jammu.**

..... Respondent(s)

Through: Mr. Pawan Dev Singh, Dy. AG.

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

01. Petitioner through the medium of this application, seeks grant of bail in anticipation of his arrest in case FIR No. 106/2026 registered at Police Station, Domana for commission of offences punishable under Sections 109, 332(c) BNSS, 2023 read with Section 4/25 of the Arms Act on 13.05.2026, asserting that he has been falsely implicated by the complainant as her father-in-law-Faqir Chand, who had been coercing the applicant to succumb to the pressure of one-Jatinder Singh @ Labu, a known land grabber, having forcibly grabbed his land approximately measuring 4 ½ Kanals falling in Khasra No. 452, situated at Village Gho Manhasan (Ward No. 6), Tikri Dayala, despite the mutation of inheritance having been attested in favour of the petitioner upon the death of his father-Prem Chand; that the complainant and her husband had openly declared that the petitioner, who otherwise happens to be not only neighbour of Faqir Chand but also hailed from the same clan, shall be implicated in the

commission of non-bailable offences and there is sufficient material and grounds with the applicant to defend that it is not the applicant, who has committed the crime and that the weapon of offence was neither carried nor was in possession of the applicant and the registration of FIR against the applicant under the aforesaid non-bailable and cognizable offences has been stage managed, just to pressurize and compel the applicant to accept the land deal at throwaway price, as against the same being high value, having commercial location.

- 02.** Pursuant to notice, the respondent despite appearing through Mr. Pawan Dev Singh, Dy. AG failed to file any objections despite opportunities. He, however, chooses to argue the matter.
- 03.** Learned Senior counsel for the petitioner submits that the complainant (daughter-in-law of Faqir Chand), who is claimed to have been made a murderous assault by the petitioner herein, had filed a false complaint against the petitioner; that on 13.05.2026, he had assaulted him with a Toka, as such, a case was registered, whereas fact of the matter is that the said Faqir Chand was coercing the petitioner to succumb to the pressure of a land grabber-Jatinder Singh @ Labu, who had already grabbed the petitioner's land measuring 4 ½ Kanals comprising of Khasra No. 452 of Village Gho Manhasan (Ward No. 6), Tikri Dayala despite mutation of inheritance having been attested in his favour after the death of his father-Prem Chand; that since the petitioner declined to enter into a deal for the meager amount of money offered by the said Faqir Chand, he has been falsely implicated, in a concocted story.

- 04.** Learned counsel for the petitioner has further argued that the petitioner before approaching this Court, had moved an application for grant of bail in

anticipation of his arrest, however, the same was rejected on 19.06.2026 by the Fastrack Court, Jammu, during Summer Vacations. He has further argued that the petitioner is entitled to be admitted to bail in anticipation of his arrest for the reason that he has been falsely implicated in the case, for forcing him to a destitute sale of his land and, more so, when the alleged victim-Faqir Chand was stated to have been discharged from S K R Hospital, Pathankote, on 01.06.2026.

05. Mr. Pawan Dev Singh, learned Dy. AG, *ex adverso*, argued that the petitioner has been involved in a case of murderous assault on the victim, who had remained hospitalized initially in Government Medical College, Hospital Jammu and was then, taken to S K R Hospital, Pathankote and that a case has been registered against the petitioner at a local Police Station for commission of offences of attempt to murder and house trespass; that the petitioner was alleged to have used a Toka as a weapon of offence to attack the victim. The petitioner has, thus, been facing investigation for commission of offences punishable under Sections 109 & 332(c) BNSS & Sections 4/25 of the Arms Act.
06. Learned Dy. AG has further argued that the petitioner has not cooperated with the investigation team and has been evading arrest and has opposed the grant of bail in his favour on the ground that the weapon of offence is yet to be recovered from him by the police.
07. Heard learned counsel for both the sides and perused the case file.
08. Since the petitioner has been charged with the grievous offences, including attempt to commit murder, by using a sharp-edged weapon, which is yet to be recovered and the petitioner having absconded since

the date of occurrence, the petitioner, in the considered opinion of this Court, is not entitled to be admitted to bail and that it will not be proper for this Court to exercise extraordinary power of granting bail in anticipation of arrest to the petitioner, who has neither joined the investigation nor the weapon of offence has been recovered from him by the police.

09. The Apex Court, in a catena of judgments, has held that extraordinary power vested under the provisions relating to the grant of bail in anticipation of arrest has to be exercised sparingly and in exceptional cases only and that the petitioner must make out a special case for grant of bail under these provisions.
10. Having regard to the gravity of offences and the manner, in which they were alleged to have been committed by the petitioner, the evading of arrest by the petitioner, non-recovery of weapon of offence till now, are the circumstances, which persuade this Court to reject the application moved by the petitioner. The petitioner, however, after his arrest, can avail an application, seeking grant of regular bail.
11. The bail application is, thus, ***dismissed*** alongwith connected application(s), if any.

(M A CHOWDHARY)
JUDGE

JAMMU
17.07.2026
Ram Krishan