

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

Bail App No. 161/2026

Mohd. Haneef Bhat

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

Through: Mr. T. R. Wani, Advocate.

vs

UT of J&K and another

..... Respondent(s)

Through: Ms. Saliqa Sheikh, Advocate vice
Mr. Eishaan Dadhichi, GA.

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

26.09.2026

1. The petitioner, through the medium of present bail application, is seeking bail in case arising out of FIR No. 34/2026 dated 18.06.2026 for offences under Sections 329(3), 115(2), 191(2), 74 and 88 of BNS registered with Police Station, Gool, Ramban.
2. As per the prosecution case, as narrated in the objections filed by the respondents, an application was received by the Police Post Sangaldan from the complainant, alleging therein that during the intervening night of 17.06.2026 and 18.06.2026, the petitioner and co-accused trespassed into land of the complainant party, whereafter they poured water and chilli powder into the eyes of the complainant. The accused- Abdul Qayoom Sheikh is alleged to caught hold of arms of Maniser Begum, whereas accused-Khushi Mohd. is alleged to have torn apart her trouser. It is further alleged in the report that the petitioner inappropriately touched the breast of the complainant, whereas co-accused Parvaiz Ahmed inappropriately touched the other body parts

of the complainant. When she resisted, all the accused assaulted her as also Shahnaz Begum with fists, kicks and clubs thereby causing serious injuries to her. It is further alleged that all the accused outraged modesty of the complainant and threatened her family members of dire consequences, who also received multiple injuries leading to their admission in hospital. It is further alleged that due to the assault Shahnaz Begum suffered miscarriage during the incident.

3. It appears that the petitioner had approached the learned Additional Sessions Judge, Ramban for grant of bail, but his bail application has been dismissed by the said court on 24.07.2026.
4. In the instant bail application, it has been contended that there is a land dispute going on between the accused and the complainant party and that the occurrence has taken place as a result of the long standing dispute. It has been contended that even as per the contents of the FIR, none of the accused had knowledge about pregnancy of Shahnaz Begum, therefore, the offence under Section 89 of BNS is not made out against them. According to the petitioner, complainant party has deliberately attempted to give a criminal colour to the civil dispute with a view to grab the land of the petitioner. It has also been contended that the FIR which is the subject matter of the present bail application has been registered as a counter blast to FIR No. 35/2026 dated 18.06.2026 which has been registered at the behest of one of the accused against the complainant party. The said FIR, according to the petitioner, is subject matter of challenge before this Court in a petition under Section 528 BNSS.

5. Respondent-State has resisted the bail application by filing its reply. In the reply, besides narrating the allegations made in the FIR, it has been submitted that investigation of the case has been conducted and it has been found that some of the members of the complainant party have sustained injuries with sharp edged weapons and Mohd. Sageer has sustained deep cut injury on his head by a sharp edged weapon. It has been further submitted that from statements of the witnesses, the allegations made in FIR stand substantiated. The weapons of offence viz. Pathi/Darat have also been recovered. One of the accused, namely, Mohd. Abbas is stated to be still absconding. It has been further submitted that investigation of the case is almost complete, however, challan could not be filed as this Court vide order dated 17.08.2026 passed in CRM(M) No. 886/2026 has stayed production of challan.
6. I have heard learned counsel for the parties and perused the record of the case. As is clear from the objections filed by the respondent No. 1, investigation of the case is complete and only challan is to be filed, which could not be done because of the stay order passed by this Court. Objections filed by the respondent No. 1 would reveal that statements of witnesses have been recorded and even weapons of offence have been recovered. The police report further reveals that there is a land dispute going on between the parties, which has led to the occurrence, which is the subject matter of the FIR. Keeping in view these factors, withholding the concession of bail to the petitioner would amount to pre-trial punishment which is impermissible in law.

The petitioner does not have any criminal antecedents. Thus there is no legal impediment to grant of bail to him at this stage.

7. Learned counsel for the petitioner has produced a copy of the order dated 22.08.2026 passed by the learned Additional Sessions Judge, Ramban whereby co-accused Khushi Mohd. Dar has been enlarged on regular bail, therefore on the grounds of parity also, the petitioner is entitled to grant of bail.

8. In view of the foregoing circumstances, the application is allowed and the petitioner is enlarged on bail, subject to the following conditions:

- i. That he shall furnish bail bond with one surety in the amount of Rs. 50,000/- to the satisfaction of the Investigating Officer.
- ii. That he shall remain available for investigation as and when directed.
- iii. That he shall not tamper with the prosecution witnesses.
- iv. That he shall not leave the limits of Union Territory of J&K without prior permission of the Investigating Agency.

9. Petition stands **disposed of**.

(SANJAY DHAR)
JUDGE

Jammu
26.09.2026
Sahil Padha