

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

CRM(M) No. 807/2026
CrIM No. 1448/2026

UT of J&K through Police Station, Katra

.....Petitioner(s)

Through: Mr. Sumeet Bhatia, GA.

Vs

**Harjeet Singh,
S/O Late Thakur Dass
R/O Village Pamote Tehsil Katra
District Reasi.**

..... Respondent(s)

Through:

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

ORDER
(05.08.2026)

1. The petitioner-UT of J&K through Police Station, Katra, has moved this petition, filed under Section 483(3) read with Section 528 of BNSS, 2023, seeking quashment/cancellation of bail granted to the respondent vide order dated 28.06.2025 passed by Sessions Court, Reasi in case No. 72/2025 titled "**Harjeet Singh Vs. UT of J&K**" arising out of FIR No. 51/2025 for commission of offences punishable under Sections 85/108 of BNS, 2023.

2. The petitioner has pleaded that the respondent was involved in the commission of serious offences punishable under Sections 85/108 of BNS, 2023 in a case registered at Police Station Katra vide FIR No. 51/2025 with the accusation that he had been harassing and subjecting his wife to cruelty for the last 14 years of their marriage and as a result, she committed suicide. It is submitted that the respondent was arrested on 26.02.2025 and the charge-sheet was filed against him on 26.04.2025, however, before leading any prosecution evidence, the trial court

vide order dated 28.06.2025, allowed the bail application moved by the respondent as an accused and admitted him to bail.

3. The impugned order, granting bail in favour of the respondent, has been assailed on the ground that the charges for the commission of offences punishable under Sections 85/108 BNS, 2023 had been framed against the accused/respondent herein on 06.06.2025; that the trial court, while granting bail, had observed that the maximum punishment under Section 108 BNS is upto 10 years alongwith fine whereas punishment under Section 85 BNS extends to an imprisonment upto three years only and that such observations, made prior to the recording of evidence, are likely to prejudice the prosecution case; that the tenor of the impugned order, particularly, in Paragraphs No. 8, 10, 11 suggests that the trial court has recorded findings upon a detailed examination of the evidence, thereby causing serious prejudice to the prosecution case; that the alleged acts of the respondent as an accused, had created fear psychosis and a sense of insecurity among the respectable and law-abiding citizens, particularly, woman folk of the area, whose faith in the institution would get shattered; that granting bail in favour of the respondent will hamper the trial, as he would be in a position to influence prosecution witnesses, who are yet to be examined and finally, it was prayed that the impugned order, granting bail in favour of the respondent, be *set aside*.

4. Heard and considered.

5. The respondent was stated to have been charged for the commission of offences punishable under Section 85/108 of BNS, 2023 in the case registered at Police Station, Katra vide FIR No. 51/2025. Both the offences, with which the

respondent has been charged, are not punishable with a sentence of more than ten years' imprisonment.

6. Learned trial court, in its detailed order, has granted bail in favour of the respondent by passing a reasoned order and, in my considered opinion, the same does not warrant any interference from this Court. The apprehension of the petitioner-UT of J&K with regard to tampering of the prosecution evidence by the respondent as an accused during trial, has been taken care of by the trial court while granting bail to him by imposing sufficient conditions.

7. In view of any of the contravention of any of the conditions of the bail order by the respondent, particularly, condition-(b) that he shall not try to influence the prosecution witnesses or deter them from giving evidence in the court, the prosecution is always at liberty to move the trial court itself, to seek cancellation of the bail.

8. Viewed thus, there being no illegality in passing of the impugned order granting bail in favour of the respondent, the petition is found to be without any merit and substance and is **dismissed** *in limine*, alongwith connected application(s).

(M A CHOWDHARY)
JUDGE

JAMMU
05.08.2026
Shivalee