

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Bail App No. 171/2026

Reserved on: 02.09.2026
Pronounced on: 11.09.2026
Uploaded on: 14 .09.2026
Whether the operative part or full
judgment is pronounced: **Full**

**Vijay Singh Sohi, Age 37 years,
S/o Prithvi Singh,
R/o House No. 4, Gali No. 2,
Chakki Wali Gali, Old Janipur, Jammu**

.....Applicant(s)/Petitioner(s)

Through: Mr. Abhimanyu Sharma, Advocate

Vs.

**Central Bureau of Investigation/ACB,
Jammu**

..... Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG with
Ms. Sagira Jaffar, Advocate

CORAM: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

JUDGMENT

Prayer:

1. The applicant has invoked the jurisdiction of this Court under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of regular bail in FIR No. RC0042026A0007 dated 10.07.2026, registered by CBI/ACB, Jammu, for the commission of offence punishable under Section 7 of the Prevention of Corruption Act, 1988 read with Section 61 of the Bharatiya Nyaya Sanhita, 2023.

Brief Facts:

2. The allegations, as emerging from the FIR and the material placed on record, are that on the basis of a written complaint lodged by Dr. Nitin Sharma, the aforesaid FIR came to be registered on 10.07.2026, alleging demand of illegal gratification of Rs. 15,000/- by the applicant for

conducting the mandatory physical inspection of his clinic for release of subsidy of Rs. 5.00 lakh under the Khadi and Village Industries Commission Scheme. During the trap proceedings conducted on the same day, the applicant, accompanied by co-accused Mukesh Kumar, allegedly visited the clinic of the complainant, where the applicant is stated to have again demanded and accepted the alleged bribe amount inside a blue-coloured Maruti Baleno vehicle.

3. It is further alleged that, on noticing the CBI Trap Team, the applicant fled from the spot, whereas co-accused Mukesh Kumar was apprehended and the tainted bribe money was recovered from his possession. During the custodial interrogation of the applicant, the vehicle allegedly used during the transaction was located on the basis of information furnished by him, and phenolphthalein traces were subsequently found from the dashboard compartment thereof.
4. The applicant surrendered before the learned Special Judge, Anti-Corruption (CBI Cases), Jammu on 25.07.2026 and was thereafter taken into custody. His application for regular bail was rejected by the learned Special Judge vide order dated 01.08.2026. It is, however, relevant that co-accused Mukesh Kumar, from whose possession the tainted money was recovered, had earlier been enlarged on bail by the learned Trial Court vide order dated 29.07.2026. The investigation is stated to be continuing and the applicant is presently in judicial custody.

Submissions on behalf of the Applicant:

5. Mr. Abhimanyu Sharma, learned counsel appearing for the applicant, vehemently submits that no recovery of the alleged bribe amount has

been effected from the applicant and that the tainted money was recovered from the co-accused. It is, therefore, contended that there is no material to show conscious acceptance of the alleged illegal gratification by the applicant and, consequently, the allegations relating to demand and acceptance cannot, at this stage, be treated as established against him.

6. Learned counsel further submits that the vehicle allegedly used during the trap does not belong to the applicant and that he has been falsely connected with the said vehicle. It is also urged that the offence alleged against the applicant is punishable with imprisonment extending up to seven years and, therefore, his continued incarceration is not warranted, particularly at the stage when the matter is still under investigation.
7. Learned counsel has also pressed the plea of parity, submitting that the co-accused, from whose possession the tainted money was recovered, has already been enlarged on bail by the learned Trial Court. It is, therefore, contended that the applicant is also entitled to the same benefit. It is further submitted that the applicant has remained in custody for more than thirty days, has no criminal antecedents and undertakes to cooperate with the investigation and abide by any condition that may be imposed by this Court. Learned counsel, while placing reliance upon the constitutional importance of personal liberty, submits that the applicant deserves to be enlarged on bail.

Submissions on behalf of the Respondent:

8. *Per contra*, Mrs. Monika Kohli, learned Senior AAG appearing for the respondent, has opposed the prayer for grant of bail. Learned counsel

submits that the applicant's earlier application for regular bail was rejected by the learned Trial Court on 01.08.2026 and the present application has been filed shortly thereafter. It is, therefore, contended that there has been no change in circumstances warranting a view different from that taken by the learned Trial Court.

9. Learned counsel further submits that the order whereby the co-accused was enlarged on bail was within the knowledge of the learned Trial Court while considering the applicant's bail application. Despite being apprised of the said order, the learned Trial Court, after considering the distinct role attributed to the applicant and the material collected during investigation, declined to grant him the concession of bail for reasons recorded in the order.
10. It is further contended that the case of the applicant stands on a different footing from that of the co-accused. While the co-accused is a private individual, the applicant is the public servant against whom the principal allegation of demand and acceptance of illegal gratification has been levelled. According to learned counsel, the co-accused was accompanying and assisting the applicant in the alleged transaction and, therefore, the roles attributed to the two accused are materially distinct, rendering the principle of parity inapplicable.
11. Learned counsel further submits that the co-accused was apprehended on the date of the trap and remained in custody for more than fifteen days before being enlarged on bail, whereas the applicant allegedly fled from the spot. It is submitted that the applicant thereafter sought anticipatory bail but did not secure the said relief and ultimately

surrendered before the learned Trial Court on 25.07.2026. It is, therefore, contended that, having regard to the distinct role and conduct attributed to the applicant, no plea of parity can be claimed by him merely because the co-accused has been enlarged on bail.

12. Learned counsel submits that, as the investigation is still in progress and material witnesses are yet to be examined, there is a reasonable apprehension that, if enlarged on bail, the applicant may influence witnesses or otherwise interfere with the ongoing investigation.
13. Learned counsel has also drawn the attention of this Court to the material stated to have been collected during investigation, including the recorded conversation allegedly indicating the demand of illegal gratification, the discovery of the vehicle allegedly used during the trap on the basis of information furnished by the applicant, and the positive phenolphthalein reaction obtained from the dashboard compartment of the said vehicle. It is contended that these circumstances, when considered cumulatively, furnish sufficient *prima facie* material connecting the applicant with the alleged offence.
14. In the aforesaid background, learned counsel submits that there being no material change in circumstances and the order passed by the learned Trial Court not suffering from any infirmity warranting interference, the applicant has failed to make out a case for grant of the concession of regular bail. The application, therefore, deserves to be dismissed.

Legal Analysis:

15. Heard learned counsel for the parties at length and carefully perused the material available on record.

16. Before examining the rival submissions, it would be apposite to notice the settled parameters governing consideration of an application for bail. At this stage, the Court is not required to conduct a meticulous examination of the evidence or to record a finding as to the guilt or innocence of the accused. Rather, the Court is required to examine whether the material presently available on record discloses reasonable grounds for believing that the accusation has substance and whether, having regard to the attendant circumstances, the applicant has made out a case for exercise of discretion in his favour.
17. The parameters governing the judicial exercise of discretion in matters relating to grant of bail have been delineated by the Hon'ble Supreme Court in **'Prasanta Kumar Sarkar v. Ashis Chatterjee and another'**, (2010) 14 SCC 496, wherein it was observed as under:
- "It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:*
- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
 - (ii) nature and gravity of the accusation;*
 - (iii) severity of the punishment in the event of conviction;*
 - (iv) danger of the accused absconding or fleeing, if released on bail;*
 - (v) character, behaviour, means, position and standing of the accused;*
 - (vi) likelihood of the offence being repeated;*
 - (vii) reasonable apprehension of the witnesses being influenced; and*
 - (viii) danger, of course, of justice being thwarted by grant of bail."*

18. The aforesaid decision thus reinforces that the discretion to grant or refuse bail is required to be exercised judiciously upon a consideration of the nature and gravity of the accusation, the existence of a *prima facie* case and the possibility of the accused influencing witnesses or otherwise interfering with the course of justice.
19. Likewise, the principles governing the grant of bail and the scope of such examination have been further succinctly explained by the Hon'ble Supreme Court in '**Central Bureau of Investigation v. V. Vijay Sai Reddy**', (2013) 7 SCC 452, wherein it was held as under:

“28. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the Legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the Court dealing with the grant of bail can only satisfy it as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.”

20. Thus, at the stage of consideration of bail, the Court is required to examine whether reasonable grounds exist for believing that the accusation is supported by *prima facie* material, while also keeping in view the nature of the accusation, the material in support thereof and the possibility of witnesses being influenced.

21. Tested on the aforesaid parameters, the contention of the learned counsel for the applicant that the alleged tainted money was not recovered from his personal possession, by itself, cannot be treated as determinative of the question of bail. In the present case, the allegation is not confined merely to the recovery of the tainted amount from the co-accused. The material placed before this Court indicates that the applicant, who is a public servant, is the person against whom the principal allegation of demand of illegal gratification in connection with an official function has been levelled. The material further indicates the alleged presence of the applicant at the place of the trap, his association with the co-accused during the alleged transaction, the recorded conversation relied upon by the investigating agency, and the subsequent discovery of the vehicle allegedly used during the transaction on the basis of information furnished by the applicant, from which phenolphthalein traces are stated to have been detected.
22. This Court is conscious of the submission that the aforesaid circumstances and their evidentiary worth are disputed by the applicant. However, at the stage of bail, this Court is not required to finally determine those questions. The limited question is whether such material can be wholly disregarded while forming a *prima facie* view regarding the accusation. In the considered opinion of this Court, it cannot. The plea of the applicant that the absence of recovery from him negatives the allegation of demand and acceptance, therefore, cannot be accepted as a ground for grant of bail at this stage.

23. The nature of the accusation is also a relevant consideration. The allegation against the applicant is of abuse of his position as a public servant for obtaining illegal gratification in connection with the discharge of an official function. Such allegations are not to be viewed merely as an isolated monetary transaction, since they concern the integrity of public administration and the confidence reposed by the people in public institutions.
24. In this context, the observations of this Court in '**Mohd. Ishaq Bhat v. Central Bureau of Investigation**', Bail App No. 131/2024, decided on 03.07.2024, assume relevance, wherein the Court while considering the distinct nature of offences involving allegations of corruption and the corresponding possibility of influence upon the complainant or other witnesses observed as under:

“5. However, this Court differs in the opinion that an offence under the provisions of the Prevention of Corruption Act can also be dealt with the same yardsticks that may be applied for offences against human body or other categories of offences. It must be borne in mind that offence against human body may be a crime of passion which may at times result in one man taking the life of another in a fit of anger arising at the moment without premeditation and without any preparation. However, offences of cheating, corruption and other white color offences are impossible to be committed without serious premeditation. For the offence for which the applicant has been accused of, a great deal of planning, arrangements and other associations with co-accused persons are required before the transfer of money can take place effectively from the victim to the accused. Such persons have their own contacts, touts and agents, who intercede with the victim on behalf of the corrupt official and coax him to part with money for a solution based upon the discretionary power of that public servant.

6. Though, this Court is not prejudiced by the various instances of corruption that may be taking place in this Country viz. bridges collapsing one after the other during the rains, roads collapsing and huge sinkholes forming after just one shower, but it cannot close its eyes to the fact that in a case of bribe taking, if the accused is released prematurely on bail, more so where he has been caught red handed by the police, the probability of the accused influencing the complainant and the witnesses by offering them monetary benefit, is extremely high and not certainly improbable in the facts and circumstances of this case.”

25. The Hon'ble Supreme Court has also emphasized that offences involving economic and financial impropriety may warrant a distinct approach in the matter of bail. In **‘Nimmagadda Prasad v. Central Bureau of Investigation’**, (2013) 7 SCC 466, it was observed as under:

“28) Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.”

26. The aforesaid decisions underscore the serious nature of offences involving corruption and financial impropriety and the wider ramifications which such conduct may have upon public administration and society. Corruption, when committed by a public servant in the course of discharge of his official functions, strikes at the very foundation of public confidence in public institutions and the fairness with which public duties are expected to be discharged.
27. A public servant occupies a position of trust and is expected to perform his official functions in accordance with law. However , in the present case, the applicant is alleged to have demanded illegal gratification for

performing an act connected with his official duties. The allegation, therefore, is not merely of an unlawful demand of money, but of an alleged abuse of a public position for private gain. Though the correctness of the accusation is a matter to be established during trial, the nature and gravity of such allegation cannot be overlooked while considering the prayer for bail.

28. The stage of investigation also assumes significance in the present matter. In **‘Darbara Singh v. Union Territory of J&K’**, Bail App No. 39/2021, decided on 26.02.2021, this court, while considering the prayer for bail at an early stage of investigation and taking note of the possibility of the accused influencing the investigation or the witnesses, held as under:

“10. Viewed, thus, I am in agreement with the respondent that the investigation, which commenced with the registration of FIR on 29.01.2021 is at its infancy and remaining the applicant at large, at this stage, is bound to provide an opportunity to the applicant to influence the course of investigation by tempering with the official records or influencing the prosecution witnesses. The respondent has found the cash and incriminating documents from the residential premises of the applicant and who knows there could be many more evidences yet to be collected by the Investigating Agency. Twenty five days is not too sufficient, a time to complete the investigation. This Court, therefore, finds it too early for the applicant to claim bail.”

29. In the present case also, the FIR came to be registered only on 10.07.2026. The applicant is alleged to have fled from the spot during the trap proceedings and ultimately surrendered before the learned Trial Court only on 25.07.2026. Thus, the investigation is still stated to be at a nascent stage and material witnesses are yet to be examined. Having regard to the nature of the allegations, the role attributed to the applicant and the stage at which the investigation presently stands, the apprehension expressed by the respondent regarding possible interference by the applicant being a public servant with the

investigation or influence upon material witnesses cannot be said to be without substance. This Court is, therefore, of the considered view that it would be premature at this stage to hold that the applicant deserves to be enlarged on bail.

30. At the same time, while the nature of the accusation, the stage of investigation and the apprehension of interference with the course of investigation are relevant considerations, the Court is not expected, at the stage of bail, to undertake a detailed scrutiny of the evidence so as to arrive at any conclusive finding regarding the guilt or innocence of the accused. The examination at this stage is necessarily limited to determining whether the material available on record discloses a *prima facie* case and whether, upon a cumulative consideration of the relevant circumstances, the discretion to grant bail ought to be exercised.
31. The Hon'ble Supreme Court, in “**Mahipal v. Rajesh Kumar @ Polia**”, (2020) 2 SCC 118, explained the manner in which the material on record is to be assessed at the stage of bail and observed as under:-

“12. The determination of whether a case is fit for the grant of bail involves the balancing of numerous factors, among which the nature of the offence, the severity of the punishment and a prima facie view of the involvement of the accused are important. No straight jacket formula exists for courts to assess an application for the grant or rejection of bail. At the stage of assessing whether a case is fit for the grant of bail, the court is not required to enter into a detailed analysis of the evidence on record to establish beyond reasonable doubt the commission of the crime by the accused. That is a matter for trial. However, the Court is required to examine whether there is a prima facie or reasonable ground to believe that the accused had committed the offence and on a balance of the considerations involved, the continued custody of the accused sub-serves the purpose of the criminal justice system...”

32. The principles emerging from the aforesaid decisions make it clear that, at the stage of consideration of bail, the Court is not expected to undertake a meticulous appreciation of the evidence or record findings on the merits of

the case. The enquiry is confined to examining whether the material placed on record discloses a *prima facie* case and whether the larger interests of justice warrant the continued custody or release of the accused.

33. Examined on the aforesaid touchstone, the present case cannot be considered solely on the basis that the tainted money was not recovered from the personal possession of the applicant or that the applicant disputes conscious acceptance of the alleged gratification. The case of the respondent is that the applicant, being a public servant, is the person against whom the principal allegation of demand and acceptance of illegal gratification has been levelled, while the co-accused allegedly accompanied and assisted him in the transaction. The material brought to the notice of this Court includes the recorded conversation allegedly indicating demand, the vehicle alleged to have been used in the transaction having been located on the basis of information furnished by the applicant, and the positive phenolphthalein reaction obtained from the dashboard compartment thereof. At this stage, without entering into a detailed appreciation of the evidentiary value of such material, the same cannot altogether be disregarded while forming a *prima facie* view regarding the involvement of the applicant.

34. The plea of parity also does not persuade this Court to exercise its discretion in favour of the applicant. Though the co-accused, from whose possession the tainted money was recovered, has been enlarged on bail, parity cannot be claimed merely on the basis of a common FIR. The role attributed to the applicant is materially distinct, inasmuch as he is alleged to be the public servant who demanded and accepted the

illegal gratification, whereas the co-accused is stated to have accompanied and assisted him in the alleged transaction. The benefit granted to the co-accused, therefore, cannot be extended to the applicant as a matter of course.

35. More importantly, the order granting bail to the co-accused dated 29.07.2026 was already in existence when the learned Trial Court considered and rejected the applicant's bail application on 01.08.2026. The present application has been instituted only four days thereafter. Therefore, no material change in circumstances has been demonstrated before this Court which could justify a substantially different conclusion from the one reached by the learned Trial Court.
36. This Court is also conscious of the submissions that the offence alleged carries a maximum punishment of seven years, that the applicant has no criminal antecedents and that he has remained in custody for more than thirty days. These are relevant circumstances and have been duly considered. However, having regard to the cumulative assessment required at the stage of bail, such circumstances cannot, by themselves, outweigh the *prima facie* material, the nature of the accusation, the distinct role attributed to the applicant and the stage of investigation.

Conclusion:

37. Thus, upon an overall consideration of the nature and gravity of the accusations, the distinct role attributed to the applicant, the material presently collected during investigation, the stage at which the investigation stands, the apprehension regarding the possibility of interference with the course of investigation or influence upon material

witnesses and the absence of any material change, this Court is of the considered view that the material presently available discloses a *prima facie* case against the applicant for the purpose of bail. The circumstances relied upon by the applicant, including the absence of recovery of the tainted money from his personal possession, the grant of bail to the co-accused, absence of criminal antecedents and the period of custody undergone by him, do not, when considered cumulatively with the aforesaid factors, persuade this Court to exercise its discretion in his favour at this stage.

38. Therefore, this Court finds no ground to grant the concession of regular bail to the applicant at this stage. It is, however, clarified that the observations made herein are confined solely to the consideration of the present bail application and shall not be construed as an expression on the merits of the case, which shall be considered independently during the course of trial.

39. Accordingly, the present application seeking grant of regular bail is **dismissed**.

(Wasim Sadiq Nargal)
Judge

Jammu:
11.09.2026
Nikhil

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