

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

[Through Virtual Mode]

Bail App. No. 258/2025

Rehmat Begum Age 35 years

W/o Bashir Ahmad,

R/o Dewal Mohar,

Tehsil & District Reasi

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

Through: Mr. Ankush Manhas, Adv.

Vs.

Union Territory of J&K

Through Station House Officer,

Police Station Bahu Fort, Jammu.

...Respondent(s)

Through: None

CORAM:

HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

ORDER
06.02.2026

1. Petitioner having failed to secure liberty from the learned trial court has approached this court by way of the instant petition seeking bail for the offence under Section 302/109 IPC.
2. Precisely stated, the petitioner along-with co-accused, have been facing trial before the court of the learned 2nd Additional Sessions Judge, Jammu (the Trial Court) in case FIR No. 92/2020, allegedly committing the murder of her husband in connivance with her paramour.
3. The challan was presented on June 11, 2020, and immediately thereafter, the petitioner was granted short-term bail in the month of September 2020 on the basis of the recommendation made by the District Legal Services Authority, as the petitioner was expecting a baby. Again, the petitioner is said to have been granted the concession of bail in the year 2023 on the ground that her three years old child is suffering from some medical conditions, which was again extended

from time to time but application seeking further extension was dismissed as having been rendered infructuous, vide order dated July 12, 2025.

4. Thereupon, the petitioner filed another application for her enlargement on short-term bail, so as to take care of her new-born baby. However, it did not find favour with the trial court and was dismissed vide order dated September 1, 2025, mainly on the ground that during previous short-term bail, the petitioner had violated the condition of the bail, in that, there was a specific condition incorporated in the earlier short-term bail that the applicant shall not leave the territorial jurisdiction of the court, during the period of interim bail without prior permission of this court, but admittedly, the petitioner during the said period solemnized second marriage and also left for Srinagar i.e., beyond the territorial jurisdiction of the trial court without its permission. Accordingly, the trial court has dismissed the bail application.

5. Now, the petitioner has come up with the instant petition seeking bail mainly on the ground that her two minor children are suffering from serious medical conditions and, therefore, are in need of proper medical care. Although the petitioner has delineated detailed facts and also taken legal ground on the basis of which she is seeking the concession of bail, however, a very startling fact had come to the fore that needs to be considered at this stage, particularly in view of the fact that the petitioner is seeking the discretionary relief.

6. The perusal of file reveals that when the matter had come up on December 8, 2025, Mr. Ankush Manhas, learned counsel for the petitioner has made a statement at bar that three months old baby of the petitioner is in need of medical care, therefore, prayed for necessary directions to the Superintendent, District Jail, Amphalla, for taking necessary steps in this regard. Accordingly, the Superintendent, District Jail, Amphalla, was directed to get the baby medically examined and provide the necessary treatment as required and to submit a compliance report by or before the next date of hearing.

7. In compliance to the order dated December 8, 2025, the Superintendent, District Jail, Jammu, submitted a report dated December 17, 2025, categorically mentioning therein that no child is accompanying the petitioner during admission in jail. This report is further strengthened by the report of the Senior Medical Officer, District Jail, Jammu, dated December 17, 2025, wherein it is also submitted that the inmate has been lodged in this jail alone, and no child has accompanied her in the jail.

8. It is a settled proposition of law that under the criminal jurisprudence, the matter pertaining to the grant of bail is a discretionary relief rooted in principles of liberty under Article 21 of the Constitution, but courts exercise this discretion cautiously, especially when the process is abused.

9. It has been repeatedly held by the Courts that obtaining bail through misrepresentation, false statements or suppression of material facts amounts to playing fraud on the court, thus disentitling the petitioner/accused to equitable relief like bail.

10. Yet, for another reason, the petitioner is not entitled to the discretionary relief of bail, in that, in the petition, it is asserted that on October 27, 2023, interim bail was again granted for a further period of six months, which was extended from time to time, and continued till July 12, 2025, and during this entire period, the applicant caused appearance before the trial court on each and every date of hearing, never absconded, never attempted to influence any witness and never misused the concession of bail.

11. In this regard, it is to be noted that vide order dated July 12, 2025, the trial court while dismissing the application for extension of interim bail observed that during the pendency of the application and today (i.e., July 12, 2025), applicant failed to appear and warrant of arrest has already been issued in the main challan against the accused. Therefore, the statement of the petitioner flies in the face of these startling facts, that disentitles the discretionary relief on account of misrepresentation, suppression of facts, violation of earlier conditions

of the bail, in as much as on the principle that the liberty cannot be secured by deceiving the Court.

12. For the above said reasons, the bail application found to be misconceived, accordingly, same is dismissed.

13. The observations made in this order are restricted to the present application and shall not be construed as an opinion on the merits of the case. The trial court shall deal with the main case and any application(s) filed by the applicant on their own merits.

JAMMU:
06.02.2026
Altaf

(SHAHZAD AZEEM)
JUDGE



Whether approved for reporting? Yes/No