

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

Case:-Bail App. No. 278/2024

Date of pronouncement:- 17.02.2026

Date of uploading:- 18.02.2026

Ravi Kumar and another

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

Through:- None

V/s

Union Territory of J&K

.....Respondent(s)

Through:- Mr. Sumeet Bhatia, GA

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
17.02.2026

1. None appeared for the petitioners. Objections stand filed on behalf of the respondents.
2. The petitioners are facing trial in FIR No. 496/2022 registered at Police Station, Udhampur, for offences punishable under Section 302/34 IPC. By virtue of order dated 18.09.2024, the learned Trial Court declined the application for grant of bail. Aggrieved thereof, the present application seeking concession of bail has been filed.
3. As per the objections filed by the respondent, the matter arises out of an incident dated 03.11.2022, when the body of Vijay Kumar S/o Mohan Lal R/o Tikri, Udhampur, was found lying in a drain near Salathia Chowk, leading initially to proceedings under Section 174

Cr.P.C. Upon scrutiny of CCTV footage, it was revealed that on 02.11.2022 the deceased had consumed liquor at Parveen Bar along with two other persons. The footage allegedly showed the deceased and the said persons hugging each other, thereafter engaging in a scuffle. Subsequently, the deceased was seen moving towards Dhar Road, where one person followed him and later returned. Thereafter, that person took a motorcycle with another individual seated behind him, and both proceeded in the direction of the deceased. It is alleged that they restrained the deceased near the spot from where his body was ultimately recovered. During enquiry under Section 175 Cr.P.C., the wife of the deceased stated that he had been working at Shivaye Sweet Shop, Adarsh Colony for the past two years and had left for work on 02.11.2022 but did not return home. She stated that upon calling him, he informed her that he would be late. On a subsequent call, after uttering a few words, petitioner Ravi Kumar allegedly took the phone and informed her that the deceased was in their company and attending a party. She further stated that she heard the deceased shouting, whereafter the phone was switched off. On the basis of this material, an offence under Section 302 IPC was found to be made out. The prosecution asserts that the petitioners are involved in a grave and serious offence and are not entitled to bail. However, in the present application it is contended that the eye witnesses examined thus far have not supported the prosecution case and that the petitioners have been falsely implicated.

4. From the earlier proceedings, it appears that the petitioners have not been diligent in prosecuting their application. The incident pertains to the year 2022; the charge-sheet was laid in 2023 and the trial is presently underway. The learned Trial Court declined bail on the ground that out of twenty-seven witnesses, only five have been examined and several material witnesses remain to be examined. The Trial Court was of the view that no prima facie material has emerged pointing towards the innocence of the petitioners.
5. Having considered the averments made in the petition, the impugned order of the Trial Court, and the objections filed by the respondents, this Court finds that the petitioners stand accused of an offence under Section 302 IPC, which is of a grave and serious nature. Concession of bail in such cases is ordinarily not granted unless the accused are able to carve out a strong prima facie case demonstrating that the accusations are patently untrue, thereby furnishing reasonable grounds to believe that they are not guilty. In the present case, no such circumstance is made out either in the application or in the material annexed thereto. The trial is not shown to be unduly delayed; though five witnesses have been examined, several material witnesses remain to be examined. Having regard to the nature of the accusations and the gravity of the offence, it cannot be said at this stage that the case against the petitioners is prima facie false or vexatious.

6. In view of the material collected during investigation and the evidence led thus far, as noticed by the Trial Court, this Court is not inclined to exercise its discretion in favour of the petitioners for grant of bail. Accordingly, the application is found devoid of merit and is *dismissed*, with liberty to the petitioners to approach the Trial Court afresh, if occasion so arises or upon examination of further material witnesses.

(SANJAY PARIHAR)
JUDGE

JAMMU
17.02.2026
Nikhil

Whether the order is speaking? Yes
Whether the order is reportable? No

