

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

Bail App No. 227/2026

Shafqat Hussain Shah

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

Through: Mr. Mohd. Owais Arif, Advocate.

V/s

U.T of J&K & Anr.

..... Respondent(s)

Through: Mr. Bhanu Jasrotia, GA.

CORAM: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
(05.10.2026)

01. Through the medium of the instant application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant/petitioner has sought bail in anticipation of his arrest in FIR No. 378/2026 dated 16.07.2026 for offences under Sections 332(c), 74 and 351 (2) of BNS, 2023 registered at Police Station Rajouri.
02. The facts giving rise to the filing of the instant bail application are that the respondent No. 2/complainant had filed a written report dated 16.07.2026 at Police Station, Rajouri, alleging that the he has been working as a Molvi at a Mosque near Degree College, Rajouri and his minor daughter is a victim regarding which FIR No. 346/2025 was registered with Police Station, Rajouri under Sections 78, 351(2), 65(1) of BNS and Section 4(2) of POCSO Act against the accused person, namely, Prabjhot Singh, who has been charge-sheeted before the Sessions Court, Rajouri. In the aforesaid FIR, it has been stated that one, Mohd. Riaz and

the petitioner/applicant herein have been continuously threatening, harassing and intimidating the complainant and his daughter.

03. It is further stated that the applicant/petitioner has no connection with the accused in FIR No. 346/2025, which has culminated in a challan pending before the learned Principal Sessions Judge, Rajouri. The complainant has already appeared as a witness in the aforesaid FIR/Challan and made a statement in the Court.
04. Learned counsel for the applicant/petitioner states that the applicant has been arraigned as an accused along with Mohd. Riaz, in FIR No. 378/2026. In the said FIR, Mohd. Riaz has already been granted pre-arrest anticipatory bail by this Hon'ble Court vide order dated 25.09.2026 passed in Bail App. No. 188/2026. It is, accordingly, contended that the applicant is also entitled to the same relief on the ground of parity.
05. Mr. Bhanu Jasrotia, learned GA, has no objection to the prayer made by the learned counsel for the applicant/petitioner.
06. Heard learned counsel for the parties and perused the material placed on record.
07. Having regard to the nature of allegations levelled against the applicant/petitioner and particularly, the fact that the co-accused, namely Mohd. Riaz, has already been granted pre-arrest anticipatory bail in FIR No. 378/2026, by this Court vide order dated 25.09.2026 passed in Bail App. No. 188/2026, the applicant/petitioner is also found entitled to the benefit of parity.

08. Accordingly, the instant bail application is allowed and it is directed that in the event of arrest of the petitioner in connection with FIR No. 378/2026 registered with Police Station, Rajouri, he shall be released 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 cooperate with the Investigating Agency and shall present himself before the Investigating Officer 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 Officer.

09. Application stands ***disposed of.***

(MOKSHA KHAJURIA KAZMI)
JUDGE

Jammu
05.10.2026
Renu