

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Bail App No. 301/2025

Reserved on : 15.05.2026
Pronounced on: 06.06.2026
Uploaded on : 08.06.2026

1. **Kuldeep Singh, Age 52 years** Petitioner/Applicant(s)
2. **Balbir Singh, Age 50 years**
Both S/o Devi Singh
R/o Village Chak Baglan, Tehsil
Ramgarh,
District Samba, presently lodged at
Central Jail, Kotbhalwal, Jammu.

Through:- Mr. Jagpaul Singh, Advocate

V/s

Union Territory of J&K through Respondent/Non-applicant(s)
Station House Officer, Police Station
Ramgarh, District Samba

Through:- Mr. Vishal Bharti, Dy. AG.

CORAM : HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

JUDGMENT

1. The petitioners, who are facing trial for the offences under Sections 302/109/147/341/342 RPC and 4/25 of the Arms Act before the Court of learned Principal Sessions Judge, Samba, have moved this application for grant of bail.
2. The contention of the petitioners is that they have been wrongly and falsely implicated in a criminal case in FIR No. 45/2019 under Sections 302/109/147/341/342 RPC and 4/25 of the Arms Act, registered at Police Station Ramgarh. The allegations against the petitioners are that they are involved in the murder of one Rahul

Verma. That after the registration of FIR, the petitioners have been arrested and are facing incarceration. Upon completion of investigation in the aforesaid FIR, charge-sheet has been presented against the accused persons including the petitioners and a case titled *UT of J&K v. Kuldeep Singh and others* is pending trial before the Court of learned Principal Sessions Judge, Samba, wherein as many as twenty seven witnesses have been projected, out of which, only twelve witnesses have been examined till date. The petitioners filed an application for grant of bail before the Court of learned Principal Sessions Judge, Samba but the trial Court dismissed their bail application vide order dated 20.09.2025 in a casual manner on technical grounds.

3. It is also submitted that most of the material witnesses have already been examined and from their depositions, it transpires that there are material contradictions and they have also failed to support the prosecution story, as such, there are reasonable grounds for believing that the accused have not committed the offences, for which, they have been charged. It is contended that the petitioners are in custody for more than six years, as such, their continued incarceration violates their rights under Article 21 of the Constitution of India.
4. The respondents have resisted the bail application by filing their reply. In their reply, it is submitted that the petitioners are involved in heinous crime of murder and as such, they cannot be enlarged on bail unless it is shown that they are not guilty of the aforesaid offences. It is

contended that there is reason for believing that if the petitioners are enlarged on bail, they would temper with the prosecution evidence and influence the witnesses and would also jump the concession of bail. The offences against the accused are against the interest of general public and society, therefore, they do not deserve any concession of bail. It has also been contended that there are sufficient material and record of the trial Court to connect petitioners with the crime.

5. Heard learned counsel for the parties and gone through the record. The prosecution case against the petitioners is that one Narayan Dutt, S/o Om Parkash lodged a written report at Police Station Ramgarh that his son Rahul Verma was coming from Vijaypur to his home at village Chak Baglan in the evening, when Balbir Singh, Kuldeep Singh both Ss/o Devi Singh, Sushant Singh, S/o Kuldeep Singh, Kavita Devi w/o Kuldeep Singh, Sunil Kumar, S/o Ravi Kumar, have obstructed his way and attacked him with sharp edged weapons with common intention to kill him on account of old enmity and kept him in illegal confinement. It was alleged that Rahul Verma received grievous injurious on his forehead and stomach and was taken to CHC Ramgarh for treatment, where he expired. On the basis of the said report, FIR No. 45/2019 came to registered under Sections 307/341/323/147/342 RPC and 4/25 Arms Act at Police Station Ramgarh,
6. The record further reveals that during investigation it was found that Kuldeep Singh and Balbir Singh, both sons of Devi Singh, Sushant Singh, S/o Kuldeep Singh, Smt. Kavita Devi, W/o Kuldeep Singh,

Sunil Kumar, S/o Ravi Kumar had waylaid Rahul Verma and Abhishek Verma while they were returning home and started quarrelling with them. It was further revealed that the accused persons took Rahul Verma inside the gate of the house of Kuldeep Singh. Abhishek Verma, however, managed to escape and save himself. Thereafter, all the accused persons allegedly started assaulting Rahul Verma. On hearing the hue and cry raised by the victim, a number of persons from the locality came to the spot. It has further been alleged that on the instigation of co-accused Subash Chander, Sat Pal and Rakesh Kumar, accused Kuldeep Singh and Balbir Singh assaulted Rahul Verma with a Toka and a Kirch respectively. Some persons present on the spot attempted to take away the injured to a hospital for treatment, but applicants allegedly did not permit them to do so. Rahul Verma was subsequently shifted for medical treatment, where he succumbed to the injuries sustained by him.

7. The principles regarding grant of bail or refusal of bail in a non-bailable offences have been succinctly laid down in “**Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav and another**”, reported as **2004 (7) SCC 528** and in Para 11 of the judgment, it has been observed as under:-

“...11. The law in regard to grant or refusal of bail is very well settled. The Court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where

the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are,

(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence;

(b) Reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

(c) Prima facie satisfaction of the Court in support of the charge...”

8. There is no blanket power to the court to grant bail though discretion under section is unfettered but it has to be exercised judiciously. The consideration in granting bail is the nature and gravity of circumstances in which the offences have been committed, the position and status of the accused with reference to the victim and witnesses, likelihood of accused fleeing from justice and tampering with evidence, though facts differ from case to case. When the offence is of such nature which affects the vital interest of society and has an adverse impact of social life, then the nature of offences and its heinousness is to be considered. The interest of society and cause of public justice also has to be kept in mind which considering the application of bail.

9. The Hon’ble Supreme Court in “**State of UP through CBI v. Amaramani Tripathi**”, reported as **2005 (8) SCC 21** has held as under: -

“...18. It is well settled that the matters to be considered in 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

charge; (iii) severity of the punishment in the event of conviction; (iv) danger of 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 tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see [Pralhad Singh Bhati vs. NCT, Delhi](#) 2001 (4) SCC 280 and *Gurcharan Singh vs. State (Delhi Administration)* AIR 1978 SC 179). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused...."

10. The Hon'ble Supreme Court in "**Ram Govind Upadhyay v. Sudarshan Singh**, reported as (2002) 3 SCC 598, while considering the principles governing the grant of bail, has observed as under: -

"...3. Grant of bail though being a discretionary order — but, however, calls for the exercise of such discretion in a judicious manner and not as a matter of course. Order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts, however, do always vary from case to case. While placement of the accused in the society, though may be considered but that by itself cannot be a guiding factor in the matter of grant of bail and the same should and ought always to be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the basic considerations for the grant of bail — the more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter..."

11. The petitioners are involved in the commission of offences under Sections 302/109/147/341/342 RPC and 4/25 of the Arms Act for commission of murder of a young man Rahul Verma which is punishable by death penalty or fine. The charges have been framed against the accused and the co-accused, and the co-accused are absconding till date. As many as twelve witnesses, out of twenty

seven have been examined till date. The injured witnesses have not ruled out the complicity of the petitioners in the offence. There are serious allegations against the petitioners and co-accused for committing murder of Rahul Verma. The legal position is clear that bail can be granted to the accused indicated for commission of offence under Section 302 RPC only if the evidence does not point out to their involvement. There is every possibility that if they are enlarged on bail, they may influence the witnesses and longer period of incarceration is not a good ground for enlargement of bail in view of the gravity and seriousness of the offence.

12. Having heard learned counsel for the parties and learned APP for the State, and keeping in view the facts of the incident, I do not intend to admit the petitioner to bail at this stage. The prosecution case is near completion of trial and some important witnesses still remain to be examined. A critical analysis of the evidence is not desired to be made at this stage; however, having gone through their statements and cross-examination, I do not see how they absolve the petitioners. Reading the testimony as a whole, the allegations against the petitioners, as accused, appear to be well substantiated in support of the prosecution case, and the same cannot be rejected outright.
13. It is also to be seen that, considering the above circumstances and the entire gamut of the factual matrix on record, no case is made out for enlarging the petitioners on bail. Accordingly, the bail application is

rejected and **dismissed**. The trial Court is directed to make every endeavor to expedite the trial.

(SINDHU SHARMA)
Judge

JAMMU
06.06.2026
VISHAL KHAJURIA

Whether the order is speaking:	Yes
Whether the order is reportable:	Yes

