

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

Bail App No. 375/2025

*Reserved on: 25.02.2026
Date of pronouncement: 27.02.2026
Date of uploading: 27.02.2026*

*Whether the operative part or full
judgment is pronounced* **Full**

Pawan Kumar , age 30 years,
S/o Sh. Raj Kumar
R/o Garana, Tehsil R. S. Pura, District
Jammu, Presently lodged at District
Jail, Kathua Through his father namely
Raj Kumar, age 52 years
S/o Manga Ram
R/o Garana, Tehsil R. S. Pura, District
Jammu

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

Through: Mr. Ch. Mohd. Shabir, Advocate.

vs

Union Territory of Jammu and Kashmir
Through SHO, Police Station Ramgarh,
District Samba

..... Respondent(s)

Through: Mr. Vivek Matoo, Advocate vice
Mr. Vishal Bharti, Dy. AG.

CORAM: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

JUDGMENT

- 01.** Petitioner has invoked Section 483 BNSS for his enlargement on bail on medical ground in FIR No. 59/2021, under Sections 307/326/364-A, 511 IPC and 4/25 Arms Act, after a similar plea came to be declined by learned Additional Sessions Judge, Samba, [“the trial Court”].
- 02.** Shorn of verbosity, background facts of the prosecution case are that on 09.08.2021, one Satpal lodged a written report with Police Station, Samba alleging *inter alia* that at around 08:30 pm, when his son

Mohinder Paul and his nephew Manish Paul were closing their shop in Ramgarh town, two to three unknown boys armed with sharp edged weapons like toka etc, came there and attacked his son Mohinder Paul, in furtherance of common criminal intention to kill. Both Mohinder Paul and Manish Paul were seriously injured and one of the arms of Manish Paul had been cut. On his raising alarm, the criminals ran away and injured were evacuated to the hospital for treatment. On the receipt of this report, aforesaid FIR came to be registered. The investigation revealed that the petitioner in furtherance of common criminal intention with co-accused persons, armed with deadly weapons, not only committed dacoity but kidnapped a victim's child namely Mandeep Singh *alias* Manu. Both the injured, as per the medical report have received grievous injuries to the extent of fear of losing their lives. Left hand of injured Manish Paul was amputated with massive bleeding. The investigation, as such, culminated in the presentation of charge sheet against the petitioner and co-accused persons for offences under Sections 307/326/323/395/364-A/511/147/201 IPC and 4/25 Arms Act.

03. A perusal of the record reveals that petitioner earlier came to be enlarged on interim bail by the trial Court on medical condition, which came to be withdrawn by this Court on 30.10.2024.
04. It is contention of the petitioner that he is suffering from hemiparesis of left side which means that he has suffered paralysis of his left side. He is unable to sit, go to washroom and eat food. According to the petitioner, he is without treatment and it is impossible to survive due to incarceration. It is also contention of the petitioner that deterioration of his health may prove fatal because he is suffering from serious ailment and he requires specialised treatment.
05. Heard and perused the record.

06. This Court vide order dated 24.12.2025, directed Superintendent, District Jail, Kathua to ensure complete medical examination of the petitioner and submit his health status report. In compliance, medical section of District Jail, Kathua has submitted a detailed report vide No. DJK/MH/5031 dated 01.01.2026, which reads as under:

“As ordered, by Assistant Registrar Hon’ble High Court of J&K and Ladakh Jammu, the medical report of Pawan Kumar is submitted as under:-

Pawan Kumar S/o Raj Kumar R/o Gharana R.S Pura Jammu is Called of Head Injury 5 years back. Pawan Kumar was operated for head injury (Subarachnoid hemorrhage) in August 2021. He had hemiparesis due to that head injury. But now he is under observation and got his psychiatry and physician Consultation on dated 25-10-2025. Moreover he has been continuously receiving proper checkup regularly on Video conference i.e on dated 19/11/2025. Since then he is doing better except for mild weakness. Recently we sent him for physiotherapist consultation on dated 31-12-2025 at GMC Kathua, who advised him for few exercises for his above mentioned complain.

This is for your kind information

Thanking you.”

07. A perusal of the latest medical report of the petitioner reveals that he was operated for head injury (Subarachnoid hemorrhage) in August, 2021, and now he is under observation. He got his psychiatry and physician consultation on 25.10.2025. He has been continuously receiving proper medical checkup. He is doing better except for mild weakness. He was sent for physiotherapist consultation on 31.12.2025 at GMC, Kathua and was advised few exercises regarding his complaints. Therefore, as per current evaluation of the petitioner by the medical officer of the jail, no feature of hemorrhage or paralysis has been observed in the protocol, as alleged by the petitioner. In the opinion of the medical officer, petitioner is under observation. He has got psychiatry and physician consultation. He is receiving proper checkup on regular basis and it is clearly observed by the concerned medical officer that petitioner is doing better except for mild

weakness, regarding which, he was sent for physiotherapist consultation and has been advised exercises.

08. Hon'ble Supreme Court in **Asha Ram vs. State of Rajasthan; 2017 (1) RCR, Crl. 1016 SC**, in a similar fact situation, declined bail to the accused whose condition in the medical report was described stable. The relevant excerpt of the judgment for the facility of reference has been extracted below:-

“....
the medical condition of the petitioner has been described as stable, and, as such there is no question of extending him the concession of bail on medical grounds....”

09. It appears from the latest impression/assessment of the medical officer attending on the petitioner that as per current status of his health, he is not only doing better but his health condition is being regularly monitored in the jail and no impatient treatment of the petitioner is required.
10. In view of the above, no case for interference is made out. Hence, present application is **dismissed**.
11. **Disposed of**, along with connected application(s).
12. Interim direction, if any, shall stand vacated.

(Rajesh Sekhri)
Judge

Jammu
27.02.2026
Sushant

Whether the judgment is speaking?	Yes/No
Whether the judgment is reportable?	Yes/No