

S. No. 03
Regular Cause List

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

Bail App 72/2026

OWAIS AHMAD KHAN AND OTHERS

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

Through: Mr. Sami Sabir Lone, Advocate

Vs.

UNION TERRITORY OF J AND K TH. S.H.O
P/S ACHABAL

...Respondent(s)

Through: Mr. Ilyas Laway, GA

CORAM:

HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
18.09.2026

1. Heard learned counsel for the parties.
2. The petitioners herein were granted protection from arrest in terms of order dated 28.04.2026, subject to the conditions that they shall furnish surety bonds before the Investigating Officer to his satisfaction; shall cooperate with the Investigating Agency; shall not leave the territorial limits of the Union Territory of Jammu and Kashmir; and shall not attempt to hamper the investigation or influence or tamper with the prosecution witnesses.
3. Objections have been filed by the respondents, wherein, though it is urged that the petitioners are required to be taken into custody for further investigation, in the same breath, it is stated that the offences alleged against the petitioners have been found to be established during the course of investigation.

4. In paragraph 5 of the objections, it is stated that the offences alleged against the petitioners have been made out and that the material collected during the course of investigation, including the statements of witnesses and other evidence, establishes the complicity of the petitioners in the commission of the alleged offences.
5. Since the grant of interim protection, it is not the case of the respondents that the petitioners have avoided appearance before the Investigating Agency or have failed to cooperate with the investigation. Once that is the position, keeping the present application pending would serve no useful purpose. The discretion in favour of the petitioners was initially exercised on the basis of the pleadings supported by an affidavit. Further, from the objections now filed by the respondents, it appears that the material part of the investigation has already been completed, inasmuch as the statements of the witnesses have been recorded and the case property has been seized.
6. In the aforesaid circumstances, the interim directions passed vide order dated 28.04.2026 are made absolute, subject to the conditions stipulated therein. The protection from arrest granted to the petitioners shall continue to remain in force until the filing of the charge-sheet before the court of competent jurisdiction. Thereafter, it shall be open to the said court to regulate the appearance and custody of the petitioners in accordance with law.
7. The petition stands **disposed of** accordingly.

8. The petitioners shall continue to cooperate with the investigation and shall ensure their appearance before the Trial Court as and when the charge-sheet is laid before it.
9. A copy of this order be conveyed to the concerned Police Station for information and compliance.

(SANJAY PARIHAR)
JUDGE

Srinagar
18.09.2026
"Imtiyaz"



