

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
(THROUGH VIRTUAL MODE)**

Case: CrIM(1109/2026) in
CrIA(D) No. 46/2026

Javid Ahmad Malla.

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

Through :- Mr. Asif Nabi, Advocate.
v/s

Union Territory th. Police Station Bandipora

.....Respondent(s)

Through :- Ms. Maha Majeed, Assisting counsel to
Mr. Mohsin Qadri, Sr. Advocate (Sr. AAG)

**CORAM: HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE**

**ORDER
29.08.2026 (ORAL)**

CrIM(1109/2026)

01. This application has been filed under Section 5 of *the Limitation Act* seeking condonation of 162 days' delay in filing the accompanying appeal preferred under Section 21 of *the National Investigation Agency Act, 2008* [for short "**the Act**"] against the order dated December 15, 2025, passed by the Court of Special Judge ["Designated under NIA"] Bandipora ["Trial Court"] whereby the bail granted to the appellant on medical grounds in terms of order dated September 03, 2025, has been withdrawn and appellant has been directed to be handed over to the Superintendent, Institute of Mental Health and Neurosciences (IMHANS) Srinagar, for appropriate treatment in a designated medical ward. The trial Court has also directed the respondents to ensure that all requisite medical facilities are provided to the appellant. Further, direction has been issued by the trial Court to constitute a Medical Board at the earliest for the examination of the appellant and submission of a report to this Court.

02. Although we do not find any sufficient cause having been shown by the applicant/appellant for the condonation of delay in filing the appeal, yet in the larger interests of justice, we are inclined to condone the delay and take up the appeal for consideration on merits. Delay in filing the appeal is, accordingly, condoned and application disposed of.

CrIA(D) No. 46/2026

03. This appeal is an appeal under Section 21 of *the National Investigation Agency Act, 2008* [for short “**the Act**”] challenging the order dated December 15, 2025 passed by the trial Court in case titled “*UT of J&K vs. Javid Ahmad Malla*” .

04. Having heard learned counsel for the parties and perused the record, we are of the considered opinion that the order passed by the trial Court is perfectly legal and in consonance with the law. And, therefore, does not call for any interference.

05. The appellant has been on medical bail since December 31, 2024, when he was granted temporary bail for a period of three months by the Division Bench of this court. He has approached the trial Court for extension of the medical bail from time to time without getting himself examined from the Medial Board. Vide order dated June 05, 2025, passed by the Trial Court, the short term bail granted to the appellant on medical grounds was extended upto July 06, 2025, with a direction to the appellant to surrender before the Court on July 07, 2025. This short term bail was, however, made absolute in terms of order dated September 03, 2025, with a condition that the prosecution would be at liberty to seek withdrawal of the bail whenever the appellant is found to have recovered from the illness.

06. It is in these circumstances, the trial Court considered the matter after finding that the trial in this case had not proceeded because of the appellant being continuously on medical bail since December 31, 2024. With a view to finding

out as to whether the appellant is fit to stand the trial, the trial Court has not only ensured that the ailment from which appellant is suffering from is treated well in a designated hospital but has also directed that the appellant be examined by the Medical Board to render its opinion. This order sub-serves the interests of justice and is more or less tilted in favour of the appellant. In terms of the impugned order the trial Court has not only taken care of the medical condition of the appellant but has also issued specific directions to ensure that the appellant is provided requisite treatment in the designated hospital.

07. The direction issued to examine the appellant through a Medical Board would enable the Court to take an informed decision as to whether the appellant is fit to face the trial or not.

08. We find that the order passed by the trial Court is in the larger interest of the appellant as also to ensure fair trial in the matter.

09. For the reasons detailed herein above, we find no merit in the instant appeal and same is, accordingly, dismissed.

(MOHD. YOUSUF WANI)

JUDGE

**(SANJEEV
KUMAR)**

CHIEF JUSTICE (A)

JAMMU
29.08.2026
Sunita