

HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT SRINAGAR

Cr1A(D) 68/2025

Sabzar Ahmad Sheikh

...Petitioner(s)

Through: Mr. Shariq J Reyaz, Advocate

Vs.

Union Territory Through Police  
Station CIK.

...Respondent(s)

Through: Mr. Mohsin Qadri, Sr. AAG with  
Ms. Maha Majeed, Assisting Counsel

**CORAM:**

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

**ORDER**

02.07.2026

**01.** The appellant herein has preferred the present appeal against an order dated 16<sup>th</sup> June, 2025, passed by the Court of the learned Additional Sessions Judge (Special Judge Designated under the NIA Act), at Srinagar ["the Special Court"] in bail application titled "*Union Territory of J&K SHO Police Station CIK Srinagar Vs. Mohd Akbar Bhat and Ors.*", whereby the bail application of the appellant herein in case FIR No. 05/2020 under Sections 13, 17, 18, 40 of UA(P) Act at Police Station, CIK Srinagar has been rejected.

**02.** The impugned order has been assailed by the appellant on multiple grounds, including on the ground that all the witnesses cited by the prosecution against the appellant have

already been examined and that none of them have deposed anything incriminatory against him.

03. Mr. Shariq J Reyaz, learned counsel appearing for the appellant submits that there is no material placed by the prosecution with the chargesheet and substantiated by the prosecution witnesses which would even remotely connect appellant with the commission of offences which the appellant has been charged with. It is further argued by the learned counsel appearing for the appellant that the order impugned rejecting the bail plea of the appellant is also not sustainable for the reason that the Special Court has not taken note of statement of seven out of total eight prosecution witnesses cited against the appellant, who have not supported the prosecution case at all.

04. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the order impugned passed by the Special Court lacks application of mind and, therefore, cannot sustain in law. It is not in dispute that on the date the bail application of the appellant was decided by the Special Court, seven out of eight witnesses cited in the chargesheet against the appellant stood examined. The Special Court has merely relied upon the chargesheet presented by the respondent and has not adverted

to the depositions made by the prosecution witnesses in the Court.

05. Had the Special Court adverted to the statements of witnesses recorded during the course of trial, more particularly, when seven out of eight witnesses cited by the prosecution against the appellant stood examined, the Appellate Court may have passed a different order.

06. Be that as it may, the fact remains that the failure on the part of the Special Court to advert to the depositions made by the prosecution witnesses recorded as on the date of the passing of the impugned order, more particularly the witnesses which are cited by the prosecution against the appellant, has vitiated the order impugned.

07. Without going into the merits of the case, we are of the considered opinion that the impugned order passed by the Special Court deserves to be set aside and the matter remanded back to the Special Court for fresh consideration in the light of the statements of witnesses recorded during the trial. ***Ordered accordingly.***

08. Let the Special Court take up the bail application for consideration afresh and decide the same after hearing both the sides and considering all the relevant material available on

record, including the statement of all the eight witnesses examined during the trial qua the appellant.

09. The appellant shall appear before the Special Court on **14.07.2026.**

10. The Special Court shall make all possible endeavour to dispose of the bail application with reasonable dispatch, but in any case, not exceeding a period of two months from the date the appellant appears before the Special Court along with this order.

11. **Disposed of.**

(Mohd Yousuf Wani)  
Judge

(Sanjeev Kumar)  
Chief Justice (Acting)

SRINAGAR:  
02.07.2026  
"Mir Arif"

