*Serial No. 16*
*REGULAR CAUSE LIST*

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

**Bail App No. 164/2026**

**Jitender Kumar** **…Petitioner(s)**

Through: Mr. Abdul Musavir, Advocate.

**Vs.**

**Union Territory of J And K(Home) And Another** **...Respondent(s)**

Through: Mr. Bikramdeep Singh, Dy.AG.

**CORAM:**

**HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

**ORDER**

14.09.2026

1. During the course of arguments, learned counsel appearing for the petitioners fairly conceded that, on the strength of FIR No. 65 of 2025, an offence under Section 108 BNS has been registered against the petitioners.
2. It is submitted that, in the charge-sheet, the petitioners have been declared as absconders. It is further submitted that both the petitioners are serving in the Army and that the case registered against them is false and without any reasonable basis. It is contended that the petitioners have never absconded and that the police agency has, in fact, never approached their respective Army unit(s) seeking their appearance for the purpose of investigation.
3. Learned counsel for the petitioners fairly conceded that, since the charge-sheet has already been laid before the competent court, the petitioners have the remedy of moving an appropriate application before the learned Trial Court seeking grant of regular bail.

4. In view of the aforesaid position, the instant petition is disposed of by granting the petitioners protection from arrest, subject to their surrender before the learned Trial Court within a period of fifteen days from today. Upon such surrender, the petitioners shall be at liberty to move an appropriate application for grant of regular bail.
5. In the event such an application is moved, the learned Trial Court shall consider and decide the same in accordance with law. Till the petitioners surrender before the learned Trial Court and move the appropriate application for grant of regular bail, they shall not be arrested.
6. Upon surrender of the petitioners, the learned Trial Court shall proceed to consider the application for regular bail in accordance with law. Needless to say, the learned Trial Court shall not be influenced by any observation made in the present order while deciding the bail application.
7. ***Disposed of.***

**(Sanjay Parihar)**
**Judge**

**SRINAGAR:**
14.09.2026
Shaista-PS