

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

Bail App/170/2026

Junaid Qureshi

...Appellant/Petitioner(s)

Through: Mr. Hakim Ishtiaq Hussain, Advocate with
Mr. Tauseef Rasool Dar, Advocate

Vs.

***Union Territory Through Police Station
Nishat***

...Respondent(s)

Through: Mr. S.F. Qadiri, Sr. Advocate with
Mr. Numan Zargar, Advocate
Mr. Harris Khan, Assisting Counsel

CORAM:

HON'BLE MR JUSTICE SANJAY PARIHAR, JUDGE

ORDER
16.09.2026

- 1.** Heard both counsels and examined case diary also heard the I/O. The petitioner came to be arrested on 31.08.2026 in connection with FIR No. 83/2026 registered at Police Station Nishat, Srinagar, for the commission of offence under Section 109 of the Bharatiya Nyaya Sanhita, 2023. He was initially admitted to interim bail by the learned 2nd Additional Sessions Judge, Srinagar “the trial court” vide order dated 05.09.2026. The concession was granted, inter alia, having regard to the stage of investigation, the fact that the material of physical and electronic nature had substantially been secured by the Investigating Officer, and the attending circumstances of the petitioner. The interim arrangement was initially to remain operative up to 07.09.2026 and was thereafter extended from time to time.

2. Vide order dated 11.09.2026, however, the learned trial Court declined to further extend the interim bail. The Court appears to have been persuaded principally by the subsequent CCTV footage, which, prima facie, suggested that the petitioner had pushed the injured, resulting in grievous injuries, coupled with the deterioration of the injured's condition while in the ICU and his advanced age. On an assessment of these circumstances, the trial Court considered further continuation of interim bail inappropriate and directed that the petitioner be taken into custody.
3. The petitioner is the son of the injured and brother of the complainant. It is not in dispute that there exists a long-standing dispute between the parties concerning landed property. According to the counsel for the petitioner, both the petitioner and the complainant had been residing outside the country, whereas their parents were residing at Srinagar. It is the petitioner's case that the injured had earlier gifted certain property in his favour, which became a source of discord within the family. The gift subsequently became the subject matter of litigation and the dispute in that regard is stated to be pending.
4. Learned counsel for the petitioner submits that the criminal case has been engineered against the petitioner against the backdrop of the aforesaid property dispute. Reference has also been made to FIR No. 33/2026 lodged at the instance of the petitioner against his father and others, alleging assault upon him. It is submitted that proceedings arising there from have also engaged the consideration of this Court.
5. The petitioner's version of the occurrence is that, during the intervening night of 30/31.08.2026, two masked persons approached his house and were noticed through CCTV footage. According to him,

the said persons were accompanied by the complainant. The petitioner and his brother-in-law are stated to have come out of the house in an attempt to apprehend them, whereupon the complainant and the masked persons allegedly attempted to flee. In the melee that followed, the injured came to the spot and sustained injuries.

6. The prosecution/complainant, on the other hand, attributes the occurrence to the petitioner and his associates and alleges that they hurled stones towards the house and thereafter assaulted the complainant as well as the injured with stones and sticks. The medical material available on record indicates that the injured sustained a head injury requiring approximately 8-10 stitches. The seriousness of the injury and the condition of the injured have been pressed into service to oppose the concession of bail. The statement of the injured has, however, not yet been recorded. The Case Diary reveals that an endeavor was made in that direction, but the Medical Officer found him unfit to make a statement, as he was drowsy and certain medical reports were awaited.

7. Of significance at this stage is the statement of the wife of the injured, who is also the mother of the petitioner and is stated to be an eyewitness to the occurrence. According to her statement, on hearing a commotion, she witnessed a quarrel involving her sons and husband. She stated that, during the altercation, someone pushed her husband, where after he fell down and sustained a bleeding injury to his head. Thus, while the allegations levelled by the complainant refer to an assault with stones and sticks, the version of the aforesaid eyewitness, at least prima facie, does not specifically attribute the head injury to

the use of any weapon. Her statement indicates that the injured fell after being pushed during the course of the altercation.

8. Another circumstance which assumes relevance at this stage is the investigation into the counter-version put forth by the petitioner. The Investigating Officer has fairly stated that the FIR lodged at the instance of the petitioner is also under investigation. It has further emerged from the CCTV footage that the two masked persons who allegedly approached the petitioner's house on the intervening night were accompanied by the complainant.

9. The Investigating Officer has further stated that the complainant figures as an accused in the case registered at the instance of the petitioner, has absconded. There is, thus, material on record indicating the existence of rival versions of the occurrence. This circumstance assumes some significance when viewed in the backdrop of the admitted property dispute and previous civil litigation between members of the same family.

10. There can be no manner of doubt that the offence alleged against the petitioner under Section 109 BNS is serious and the accusations levelled against him are grave. The gravity of an accusation is undoubtedly an important consideration while examining a prayer for bail. At the same time, the Court is required to assess the material presently available, the stage of investigation, the necessity of further custodial detention, and the likelihood of the accused interfering with the course of investigation or administration of justice.

11. In the present case, the petitioner had earlier been enlarged on interim bail by the learned trial Court. Having regard to the material collected during investigation thus far, particularly the statement of the

eyewitness referred to above, the CCTV material concerning the counter-version, and the admitted background of inter se civil/property disputes, this Court does not find sufficient material, at this stage, warranting continued incarceration of the petitioner.

12. The possibility of false implication, in the peculiar factual background obtaining in the case, cannot altogether be ruled out at this preliminary stage. This observation is, however, purely prima facie and shall not be construed as an expression of opinion on the merits of either version of the occurrence.

13. It is also relevant that the injured is stated to be recovering. The Investigating Officer has not projected any compelling requirement for further custodial detention of the petitioner. The material of relevance is also stated to have substantially been secured during investigation.

14. Bail proceedings are not intended to determine the guilt or innocence of an accused. Any detailed appreciation of the evidence at this stage may prejudice either side at the subsequent stages of the proceedings. The observations made herein are, therefore, confined exclusively to the consideration of the present bail petition. In view of the foregoing circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in further custody. The interests of investigation and prosecution can adequately be safeguarded by imposing appropriate conditions upon his release.

15. Accordingly, the petition is allowed and the petitioner is directed to be released from custody, subject to furnishing a surety bond in the amount of **₹1,00,000/- (Rupees One Lakh only)** to the satisfaction of

the competent Court/authority and further subject to the following conditions:

- (i) The petitioner shall join and cooperate with the investigation as and when required by the Investigating Officer;
- (ii) He shall not, directly or indirectly, intimidate, threaten, influence or harass any prosecution witness, including the injured;
- (iii) He shall desist from confronting the injured or otherwise acting in a manner capable of prejudicing the investigation; and
- (iv) He shall abide by such other lawful requirements of the Investigating Officer/Court as may be necessary for ensuring a fair and unhindered investigation.

16. It is made clear that the observations contained in this order are prima facie in nature and confined to the adjudication of the present bail petition. Nothing stated herein shall be construed as an expression on the merits of the case, and the investigating agency as well as the Court concerned shall proceed uninfluenced by any observation made herein.

17. The petition stands **disposed of** in the above terms.

18. Case Diary be returned forthwith.

(SANJAY PARIHAR)
JUDGE

SRINAGAR
16.09.2026
Shabroz

Whether the order is speaking: Yes/No

Whether the order is reportable: Yes/No