

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

Bail App/220/2025

TAWHEED AHMAD KAMGAR (MINOR) ...Appellant/Petitioner(s)
THROUGH HIS FATHER AND ANR.

Through: Mr. Shafqat Nazir, Advocate

Vs.

UNION TERRITORY THROUGH POLICE ...Respondent(s)
STATION KOKERNAG AND ANR.

Through: None

CORAM:

HON'BLE MR JUSTICE SANJAY PARIHAR, JUDGE

ORDER
03.06.2026

1. This Court, vide order dated 28.10.2025, granted interim protection to the petitioners by enlarging them on ad interim anticipatory bail, subject to the conditions stipulated therein. Pursuant thereto, the respondents were directed to file their objections as well as the status report. The objections have since been placed on record, wherein the petitioners have been alleged to have committed offences punishable under Sections 74, 191(2), 351(3), and 329(4) of the Bharatiya Nyaya Sanhita, 2023 (BNS).
2. During the course of investigation, an additional offence under Section 117(2) BNS came to be incorporated. Learned counsel appearing for the petitioners submits that the petitioners have been falsely implicated and that they are minor children against whom the present proceedings have been initiated solely on account of previous animosity subsisting between the complainant and the prime accused persons.

3. Be that as it may, upon consideration of the objections filed by the prosecution and a careful perusal of the material available on record, this Court finds that, barring the offence under Section 117(2) BNS, all the other offences alleged against the petitioners are punishable with imprisonment extending up to five years. Even the offence under Section 117(2) BNS carries a maximum punishment of seven years' imprisonment. Significantly, it is not the case of the respondents that, after the grant of interim protection, the petitioners have either violated any of the conditions imposed by this Court or interfered with the course of investigation in any manner whatsoever.
4. Learned counsel for the petitioners has further submitted that, in a separate petition preferred by the co-accused, being CRM(M) No. 542/2025, this Court has already intervened and directed that while investigation in the impugned FIR may continue, the final report/charge-sheet shall not be presented before the competent Court.
5. Having regard to the peculiar facts and circumstances obtaining in the present case, particularly the fact that the offences alleged are punishable with imprisonment extending to a maximum of seven years and that the petitioners are stated to be minors, this Court is of the considered opinion that the possibility of false implication cannot be altogether ruled out at this stage.
6. Furthermore, the petitioners have continued to enjoy the benefit of interim protection granted by this Court, which has been extended from time to time. During the entire intervening period, there is nothing on record to suggest that they have breached any of the conditions incorporated in the order dated 28.10.2025 or misused the concession

extended to them. In such circumstances, this Court finds no justifiable reason to deny them the relief sought.

7. Consequently, the objections raised by the respondents opposing the grant of anticipatory bail are found to be devoid of merit and are accordingly overruled. The petitioners have succeeded in making out a case warranting the exercise of discretion in their favour. The petition is, therefore, allowed and the interim anticipatory bail granted vide order dated 28.10.2025 is made absolute, subject to the conditions contained therein. It is further directed that the petitioners shall remain available to the Investigating Agency as and when required and shall render full cooperation during the course of investigation. In the event a charge-sheet/final report is ultimately presented against them, they shall appear before the Trial Court and participate in the proceedings in accordance with law.
8. The petition stands **disposed of** in the above terms. Copy be notified to SHO P/S concerned.

(SANJAY PARIHAR)
JUDGE

SRINAGAR
03.06.2026
Shabroz