

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

Bail App No. 255/2025 CrIM 2040/2025

Reserved on : 11.02.2025

Pronounced on : 16.02.2025

Uploaded on : 16.02.2025

**Whether the operative part or full
judgment is pronounced: Full**

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

- 1. Anwar Jan, aged 49 years
S/O Mohd Sardar
R/O Anderwan Sagam,
Tehsil Kokernag, District Anantnag**
- 2. Mumtaz Ali Chohan, aged 42 years
S/O Nizam Din Chohan
R/O Kharpora
Tehsil Kokernag, District Anantnag**

**Both through Fiyaz Ahmed (Brother of Applicant
No. 1 & Cousin of Applicant No. 2)**

Through: Mr. M.A Goni, Sr. Advocate with
Mr. Tanzeel Illahi, Advocate
Mr. M. Saleem Parray, Advocate for (P-2)

Vs.

- 1. UT of J&K through Police Station
Kokernag, Anantnag**

...Respondent(s)

Through: Mr. Iliyas Nazir Laway, GA
Mr. Mohammad Ramzan SI Police Station
Kokernag Belt No. 284/GBL

CORAM:

HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE.

JUDGMENT

1. The applicants have filed this application through Fiyaz Ahmed (brother of accused No. 1 and cousin of accused No. 2), for enlarging them on bail in case FIR No. 121/2025 registered at Police Station Kokernag, for the commission of offences punishable in terms of Section 126(2), 109 and 309(4) of the BNS.

2. It is stated in the application that the applicants are in judicial custody, pursuant to their arrest for their involvement in case FIR supra, for almost three months now. The applicants had prior to filing of this application, moved an application for grant of bail before the Court of Additional District

Sessions Judge, Anantnag, which has been, upon consideration, dismissed by the said court vide order dated 16.12.2025, primarily, on the ground that rigor of 480(1) of BNS 2023 is attracted in the case. The said court has also declined the relief of bail on the ground that the investigation is going on, charge sheet has not yet been filed and the applicants have failed to carve out a prima facie case for grant of bail. The applicant has now approached this court to seek bail in favour of the accused through an in hand.

3. I have heard learned counsel for the applicants. Mr. Mohammad Ramzan, Sub-inspector Police Station, Kokernag, is present in the Court, along with the case diary details, comprising of statement of some witnesses recorded during investigation, medical documents like discharge summary, some OPD tickets, the seizure memo and injury memo etc.

4. Objections have been filed by the respondents, wherein it is stated that the record collected during investigation would suffice the involvement of the applicants in the commission of grave offence, which is non-bailable in nature and in case the accused applicants are enlarged on bail, there is a likelihood that they may abscond.

5. I have considered the submissions made and gone through the material made available, especially the medical documents forming part of case diary details by the Sub-inspector Mohammad Ramzan, Police Station, Kokernag.

6. This court is of the considered opinion that the injuries suffered by the complainant in the incident against which the case FIR supra is registered against the applicants, are not grave or serious to attract the rigor of 480(1) BNS. Furthermore, there is a change in the circumstances from the date of passing of the order passed by learned Additional Sessions Judge, Anantnag, till today, as the investigation in the case was in progress at the time such

order was passed by the learned Additional Sessions Judge, Anantnag, which is by now closed as the charge sheet before the competent court has been filed by the police concerned. The only apprehension of the respondents is that the accused applicants, upon being enlarged on bail, may jump over the concession of the bail by fleeing from the hands of justice. The said apprehension of the respondents, however, can be sufficiently taken care of by placing reasonable conditions in the bail order.

7. Having regard to what has been said herein before, I am convinced that the applicants have succeeded in making out a prima facie case in their favour at this stage. Accordingly, the application is allowed and applicants are admitted to bail upon furnishing of bail bonds to the tune of Rs. 50000/- each, to the satisfaction of Registrar Judicial of this Court, with surety bonds of the like amount to the satisfaction of Incharge Superintendent Jail concerned on the following conditions:

- I. Applicants shall remain present before the trial court on each and every date of hearing.
- II. Applicants shall not intimidate the prosecution witnesses in any way.
- III. The applicants shall not leave the territorial jurisdiction of the trial court without seeking proper permission in that behalf from the said court.
- IV. The applicants shall not temper with the evidence in any manner and shall not indulge in similar kind of offence.

8. Any opinion expressed in this order shall have no bearing on the merits of the case.

9. The case diary details produced by learned counsel for the respondents is returned to him in the open court.
10. Disposed of.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR:
16.02.2026
“Adil Ismail”

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| ❖ Whether the Judgment is Reportable? | No |
| ❖ Whether the Judgment is Speaking? | Yes |

