

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

Bail App No. 241/2024

Jatinder Singh @ Babu Singh

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

Through :- Mr. M K Bhardwaj, Sr. Advocate with
Mr. Manik Bhardwaj, Advocate

v/s

UT of J & K

.....Respondent(s)

Through :- Mrs. Monika Kohli, Sr. AAG

**CORAM: HON'BLE MR. JUSTICE ATUL SREEDHARAN, JUDGE
HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE**

**ORDER
18.10.2024**

1. The present appeal has been moved by the appellant herein whose regular bail granted by the learned court below was canceled on account of violation of one of the conditions of the bail order which required that the appellant shall not go beyond the limits of District Kathua.
2. Learned counsel appearing on behalf of the appellant submits that the appellant went to see his friend in Hoshiarpur who was not well and therefore his location was shown outside the precincts of the District Kathua, therefore, an application was moved by the prosecution before the learned trial court for cancellation of the bail as he had violated the aforementioned condition.
3. It is further submitted on behalf of the appellant that he had intimated the SSP concerned and also sent an E-Mail in this regard;

however, the same has been denied by the learned counsel appearing for the UT of J & K.

4. Upon the said application moved by the prosecution, the learned court below by a speaking order has cancelled the benefit of bail granted to the appellant. It is not the case of the UT that the appellant has ever misused the liberty that was granted to him but for not having adhered to one of its bail conditions which are strict. It is also not contended on behalf of the UT that the appellant did not return to Kathua District after he left the boundaries of the District. It is also not disputed that the appellant has not missed a single date of hearing before the learned court below.
5. Learned counsel for the UT has vehemently opposed the grant of bail as the appellant has violated one of the important conditions of bail. At the same time, she has fairly stated that no instructions have been received from the Police that the appellant has ever misused his liberty by not appearing in the court below or by trying to influence the witnesses.
6. The violation of the bail condition by the appellant cannot be approved by this Court, as it shows disregard with the directions passed by the learned court below. However, at the same time, this Court is cognizant with the fact that the appellant was granted bail on merits after having been incarcerated for a little over two years and for this violation; the appellant has already remained in custody for about ten days.

7. This Court is of the opinion that for the violation, the appellant has been punished adequately by being in custody for ten days and as there are no other allegations of him having violated any of the terms and conditions laid down by the learned court below, this appeal is allowed and the appellant is granted bail on the same terms and conditions which have been laid down by the learned trial court.
8. At this stage, learned counsel for the appellant has also intimated this Court that the hearing of the case is at Jammu, for which the appellant has to attend the court hearing and therefore, has requested that the permission may be extended to Jammu Province. As far as this request is concerned, we feel it more appropriate if the learned court below decides this issue upon an application to be filed by the appellant, as the original conditions have been laid down by the learned court below, therefore, this Court is not in a position to appreciate as to what weighed in the mind of learned court below to have placed those terms and conditions and it must necessarily be the same court which must appreciate the change the conditions relating to territorial jurisdiction is concerned.
9. Under the circumstances, without any observations on the said prayer put forth by the learned counsel for the appellant, this Court grants liberty to the appellant to move an appropriate application before the learned court below, which would be dealt with in accordance with law.

10.

Be that as it may, notwithstanding, the objections of the learned counsel for the UT, the appeal is allowed and the bail is granted to the applicant on the original terms and conditions imposed upon by the learned court below, subject to furnishing of fresh personal and surety bond to the tune of Rs. 1,00,000/- each, to the satisfaction of the learned court below and as per the terms and conditions originally ordered while granting bail to the appellant.
11.

The appeal is, accordingly, disposed of.

(Sanjay Dhar)
Judge

(Atul Sreedharan)
Judge

JAMMU
18.10.2024
Manan

