Item No.01
Suppl List

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

(through virtual mode)

Bail App No.204/2026

PARSHOTAM SINGH

...PETITIONERS/APPELLANT(S)

Through: - Mr. Harsh Tickoo, Advocate, with
Mr. Jatin Bhardwaj, Advocate,
Mr. Varun Anand, Advocate,
Mr. Uday Singh Salaria, Advocate.

Vs.

UT OF J&K ...RESPONDENT(S)

Through: - Mr. R. K. Kotwal, Advocate

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

ORDER(ORAL)

1) The petitioner, through the medium of present application under Section 483 of BNSS, is seeking temporary bail for performing the post-death ritual of 'Narayan Bali' of his deceased mother.

2) Heard learned counsel for the parties and perused record of the case.

3) It appears that the petitioner is facing trial in a case arising out of FIR No.39/2024 for offences under Section 302, 307, 447, 147, 120-B, 448, 427, 461, 201, 506, 34 and 109 of IPC registered with Police Station, Gangyal, Jammu, before the Court of learned 2nd Additional Sessions Judge, Jammu (for short "the trial court"). During pendency of the trial, the

petitioner approached the learned trial court with an application for grant of temporary bail for performing post-death ritual 'Narayan Bali' of his deceased mother. However, the said application came to be rejected by the learned trial court in terms of order dated 01.09.2026.

4) In the present application, it has been submitted that mother of the petitioner has died on 11.04.2024 shortly before arrest of the petitioner, which happened on 30.04.2024. It has been further submitted that the petitioner had performed last rites of his mother, however, before completion of all the necessary rituals, he was arrested on 30.04.2024. According to the petitioner, he is required to perform "Narayan Bali Pooja" and the schedule for the said Pooja has been fixed during the period from 16.09.2026 to 07.10.2026. It has been contended that the learned trial court has overlooked the fact that there is no material to link the petitioner as relative of absconding co-accused. The petitioner, after relying upon several judgments of the Supreme Court and various other High Courts of the country, has prayed that temporary bail may be granted in his favour for a period of 15 days so as to enable him to perform the post-death mandatory ritual of "Narayan Bali" of his deceased mother.

5) Objections to the application have been filed by the respondents, wherein it has been submitted that "Narayan Bali"

is not a time-specific ritual and it can be performed at any feasible point of time. It has been further submitted that the petitioner's wife and two close relatives, who are co-accused in the case, have evaded arrest for more than two years, giving rise to a genuine apprehension that the petitioner may follow the same course.

6) I have heard learned counsel for the parties and perused record of the case.

7) It is an admitted fact that when death of mother of the petitioner had taken place, he was a free man and he had performed last rituals of his mother. He came to be arrested only after 20 days of death of his mother and by that time he had already performed the last rites of his mother and he had enough time to share grief with his nears and dears.

8) So far as the ritual of Narayan Bali is concerned, it is an admitted position that the said ritual can be performed at any time and it is not time-specific. Regular bail application of the petitioner has been dismissed by the Supreme Court vide its order dated 01.06.2026, and while rejecting the bail application, the petitioner has been given liberty to renew his prayer for bail if recording of evidence of all the prosecution witnesses is not completed by end of March 2027. Thus, it is open to the petitioner to renew his prayer for grant of bail if all prosecution

witnesses are not examined by the end of March 2027, and at that stage, if the petitioner is admitted to bail, he can always perform the ritual of 'Narayan Bali', as the same is not time-specific. Even after his acquittal, the petitioner has the option of performing the said ritual.

9) The purpose of temporary bail is to take care of an emergent situation like death or serious ailment in the family of accused or serious ailment of the accused in custody and other similar circumstances. Temporary bail cannot be granted for a purpose which can await. Therefore, the purpose for which the petitioner is seeking bail does not fall in any of the categories which involves any urgency.

10) For the foregoing reasons, I do not find any merit in this petition. The same is dismissed accordingly.

HIGH COURT
JAMMU & KASHMIR AND LADAKH

(Sanjay Dhar)
Judge

SRINAGAR
04.11.2026
"Bhat Altaf-Secretary"

Whether the **Order** is speaking: **YES**
Whether the **Order** is reportable: **YES/NO**