Sr. No. 28

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

Bail App No. 226/2026
CrlM No. 2043/2026

Abid Hussain Shan .....Appellant(s)/Petitioner(s)

Through: Mr. Aditya Gupta, Advocate

Vs

U.T. of J&K&Anr. ..... Respondent(s)

Through: Mr. S.M. Qadri, IO

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

ORDER
13.11.2026

1. Mr. S. M. Qadri, Investigating Officer, is present in person along with the Case Diary. The Case Diary reveals that the statement of the victim has been recorded. The Investigating Officer submits that, on the basis of the material collected during the course of investigation, the allegations against the petitioner have prima facie been substantiated. However, as the petitioner has remained absconding, the investigation could not be brought to its logical conclusion and, consequently, the charge-sheet could not be laid before the competent Court.
2. Learned counsel for the petitioner vehemently contends that the petitioner has been falsely implicated in the present case. It is submitted that the petitioner is a young man, aged about 22 years, who has been unnecessarily roped into the criminal proceedings. It is further contended that the relationship between the petitioner and the victim was consensual

and that the criminal proceedings have been initiated at the instance of the victim's father with a view to falsely implicate the petitioner.

3. Be that as it may, the allegations levelled against the petitioner are grave in nature, particularly having regard to the fact that the victim is stated to be below 17 years of age. The Investigating Officer has collected material during the course of investigation indicating that the victim was below 17 years of age at the relevant point of time. Furthermore, upon recording the statement of the victim under Section 183 of the BNS, the material reflected in the Case Diary, prima facie, discloses the commission of the alleged offences against the petitioner.

4. When confronted with the fact that the petitioner is absconding and that the investigation has been delayed on account of his non-availability, learned counsel for the petitioner seeks permission to withdraw the present application at this stage. Learned counsel further submits that the petitioner shall submit himself to the process of law by surrendering before the investigating agency and shall join the investigation, whereafter he would be at liberty to move an appropriate application for grant of regular bail before the learned Special Court. The statement made by learned counsel for the petitioner is taken on record.

5. In view of the aforesaid statement, the present application is dismissed as not pressed, leaving it open to the petitioner, upon surrendering and joining the investigation, to avail such remedy as may be available to him under law, including seeking regular bail before the competent Court. Any such application, if filed, shall be considered on its own merits and in accordance with law, uninfluenced by any observation made hereinabove.

6. The Investigating Officer is discharged from his personal appearance in the present proceedings.

7. The application stands dismissed as not pressed.

(Sanjay Parihar)
Judge

Jammu
13.11.2026
Nikhil

HIGH COURT OF JAMMU & KASHMIR AND LADAKH