Sr. No. 124

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

Bail App No.275/2026

Sumit Garg & Anr. ….. Petitioner(s)/Applicant(s)

Through: Mr. Pranav Kohli, Sr. Advocate with
Mr. Arun Dev Singh, Advocate.

vs

UT of J&K ….. Respondent(s)

Through: Mr. Pawan Dev Singh, Dy.AG.
Mr. Rishav Vaid, Advocate.

Coram: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

ORDER
18.11.2026

01. Applicants are aggrieved of order dated 23.10.2026, passed by learned 3rd Additional Sessions Judge, Jammu ["the trial Court"], whereby bail granted to them, in terms of order dated 09.10.2025, came to be cancelled.

02. A perusal of the impugned order reveals that applicants initially came to be enlarged on interim bail by the trial Court on 24.09.2025, which came to be made absolute in terms of order dated 09.10.2025. The Investigating Agency preferred an application in the trial Court for cancellation of bail, primarily on the ground that they did not appear during the course of investigation and violated the bail conditions.

03. Heard and perused.

04. A perusal of order dated 09.10.2025, whereby interim bail granted by the trial Court to the applicants came to be made absolute, reveals that though the application preferred by the applicants was allowed subject to the condition that they shall attend the investigation as and when required by the Investigating Officer but the Investigating Officer did not pray for

taking them into custody and rather submitted that investigation of the case was complete.

05. Mr. Pranav Kohli, learned Senior counsel appearing for the applicants has taken this Court to a notice issued by the Investigating Officer to applicant No.2, (Annexure-V of the petition), which reveals that neither the FIR number nor the date of notice nor the date on which applicant was required to appear was mentioned. This notice came to be responded by applicant No.2 through e-mail dated 20.07.2026, whereby it was brought to the notice of the Investigating Officer that notice served upon him was incomplete and incapable of compliance, for the reason that it neither mentioned the FIR number nor specified the date on which he was required to appear before him and it was also pointed out that in the absence of these essential particulars, it was practically impossible for him to comply with the notice.

06. For the foregoing reasons, present application is allowed and impugned order is set aside. As a result, order dated 09.10.2025 shall stand restored. The matter is remanded to the trial Court for considering the application preferred by the Investigating Officer afresh.

07. Applicants shall appear before the trial Court on 27.11.2026.

08. *Disposed of.*

(Rajesh Sekhri)
Judge

Jammu
18.11.2026
Eva