Sr. No. 1

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

Bail App No. 146/2026
c/w
Bail App No. 149/2026

Gurbaksh Singh Th. Kuldeep Singh …..Appellant(s)/Petitioner(s)

Through: Ms. Parkhi Parihar, Advocate vice
Mr. Bari Abdullah Malik, Advocate

Vs

U.T. of J&K ….. Respondent(s)

Through: Mr. Vivek Mattoo, Advocate vice
Mr. Vishal Bharti, Dy. AG.

Coram: HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

ORDER
07.10.2026

1. The petitioner has invoked the jurisdiction of this Court under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking bail in FIR No. 99/2018 under Sections 8/21/22 of the NDPS Act and FIR No. 70/2018 under Sections 8/21/22 of the NDPS Act. It appears that the petitioner is facing trial before the Court of learned Principal Sessions Judge, Samba (the trial Court) in both the aforestated FIRs. However, though he was admitted to interim bail, but the same was later withdrawn on the admitted facts that the petitioner has violated the conditions of the interim bail so granted, which resulted in delay in the trial. So much so, it appears that the trial court has proceeded against the petitioner under Section 514 of the Code of Criminal Procedure for his continuous absence.

2. Once the concession of bail was granted by the trial Court, but petitioner did not cooperate and rather absconded, it is the trial Court which is

seized of the matter, ordinarily is to be approached, being in the best position to consider the application, when same has to be primarily considered on the ground of conduct of the petitioner and effect of concession of bail if granted on the trial.

3. Confronted with this aspect of the matter, learned counsel for the petitioner seeks liberty to approach the learned trial Court to file fresh applications. Her statement is taken on record.

4. In this view of the matter, the applications are disposed of with a direction to the learned trial Court to consider the applications, if any, filed by the petitioner, and pass appropriate orders within a period of two weeks, uninfluenced by any observation made in this order.

5. ***Disposed of***.

(Shahzad Azeem)
Judge

Jammu
07.10.2026
Mihul

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
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