Serial No. 01

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

CM(M) No. 200/2026

Date of pronouncement: 07.10.2026
Date of uploading: 08.10.2026

Jan Mohd Teli .....Appellant(s)/Petitioner(s)

Through: Mr. I. H. Bhat, Advocate with
Mr. Shariq H. Qazi, Advocate

vs

National Investigation Agency, Jammu ..... Respondent(s)

Through: Mr. Vishal Sharma, DSGI with
Mr. Karan Sharma, CGSC

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER (ORAL)
07.10.2026

Sanjeev Kumar 'J'

1. In this petition, filed under Article 227 of the Constitution of India, the petitioner seeks to set aside the order dated 10.08.2026, whereby the learned Special Judge, NIA Cases, Jammu, has rejected the application moved by the petitioner for calling and recording the statement of prosecution witnesses PW-10 to 16, PW-18, PW-23, PW-24, PW-96 to PW-98. The petitioner also prays for an appropriate direction to the prosecution to examine the said eyewitnesses in the first instance, before examining the other witnesses.

2. Learned counsel appearing for the petitioner has placed reliance upon a couple of judgments passed by the Hon'ble Supreme Court in this regard.

3. Having heard learned counsel for the parties and perused material on record, we are of the considered opinion that the trial Court as well as the prosecution is obliged in law to record the statement of material witnesses, including the eye-witnesses, if any, before embarking upon examining the official and other formal witnesses in the challan, acting otherwise, would be at the cost of jeopardising the right of the accused to apply for bail on the basis of the testimony of the material/eyewitnesses.

4. Without going into the contentions of learned counsel appearing for the parties in detail, suffice it to say that it is trite law that it should always be the endeavour of the Court and the duty of the prosecution to examine the material eyewitnesses, including the eye-witnesses in the first instance, before embarking upon examining the official and other formal witnesses.

5. For the foregoing reasons, we dispose of this petition with a direction to the trial Court to ensure the examination of material prosecution witnesses, including the eyewitnesses, before undertaking the examination of formal and official witnesses.

6. ***Disposed of.***

(M A Chowdhary)
Judge

(Sanjeev Kumar)
Judge

Jammu
07.10.2026
Vishal Sharma