Regular Cause List
Serial No. 10

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

CRM(M) No. 1123/2026
CrlM No. 2034/2026

Date of Pronouncement:-05.10.2026
Uploaded on:- 05.10.2026

UT of J&K.

…..Petitioner(s)

Through: Mr. Dewakar Sharma, Dy. AG.

Vs.

Mohd. Shoib and Anr.

….. Respondent(s)

Through:

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

ORDER(ORAL)

01. The petitioner has invoked the extraordinary jurisdiction of this Court under Section 439(2) of the Cr.PC read with Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita (in short, "***the BNSS***"), seeking quashing/cancellation of bail granted to the respondents by the learned Principal Sessions Judge, Reasi (*hereinafter referred to as,* ***"the trial Court"***) in file No. 80/2026 titled, "***Mohd. Shoib and Anr. Vs. UT of J&K***" arising out of FIR No. 174/2025 of Police Station, Reasi for commission of offences punishable under Sections 64(1), 87, 127(2), 351(3) & 3(5) of the BNS.

02. The main ground for seeking indulgence of this Court is that, despite being apprised of the antecedents of the respondents, who have previously also indulged in similar activities and who have suppressed this fact, the trial Court granted an interim bail to the respondents vide order dated 08.05.2026 and further posted the matter for hearing on 18.05.2026.

03. Admittedly, the respondents herein were admitted to interim bail and the matter is still pending on the docket of the trial Court. Therefore, the petitioner is required to first exhaust the remedy before the trial Court, which has granted the interim bail in favour of the respondents instead of invoking the extraordinary remedy under Section 439(2) of the Cr.PC read with Section 483(3) of BNSS.

04. Confronted with the above given facts and circumstances, learned counsel for the petitioner seeks liberty to approach the trial Court so as to avail the remedy as provide under law.

05. In view of above, the instant petition is disposed of at this stage with liberty as prayed for and in case, any such application is filed before the trial Court, the trial Court shall consider all the factual and legal please raised by the petitioner before passing a final order strictly in accordance with law.

06. Disposed of along with connected CrlM.

(SHAHZAD AZEEM)
JUDGE

JAMMU
05.10.2026
Ram Krishan

Ram Krishan
2026.10.05 18:20
I attest to the accuracy and
integrity of this document