

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

Bail App 32/2024 CrIM(366/2024)

ABDUL HAMID KUCHAY

....Petitioner(s)/Appellant(s)

Through: Mr. Arif Sikander, Advocate.

V/s

UT of J&K & OTHERS

....Respondent(s)

Through:

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

ORDER
29.03.2024

1. Petitioner filed an application for grant of bail in anticipation of arrest in the court of learned 2nd Additional Session Judge, Srinagar ('trial court', for short), and was admitted to interim bail vide order dated 02.02.2024 subject to various conditions contained in the said order. The application, however, came to be dismissed by the said court due to absence of petitioner and his counsel on 14.02.2024 and consequently interim bail order was also revoked.
2. After arguing for a while, learned counsel for the petitioner submits that he intends to file application for restoration of the aforesaid order dated 14.02.2024 before the trial court. He has relied upon recent pronouncement of Hon'ble Supreme Court in "*Rahul Sharma Vs. State of Uttar Pradesh & Anr., 2023 LiveLaw (SC) 64*", to contend that till he files application for restoration, liberty of the petitioner is required to be protected.

3. In view of the above, the present petition is disposed of with liberty to learned counsel for the petitioner to approach the trial court for restoration of the aforesaid application for grant of bail in anticipation filed by the petitioner, within a week's time. Till then, there shall be stay on the arrest of the petitioner. It is, however, made clear that this Court has not expressed any opinion on the merits of the case and learned trial court shall be free to proceed with the matter strictly in accordance with law.

4. Disposed of.

(RAJESH SEKHRI)
JUDGE

Srinagar
29.03.2024
Muzammil. Q (Secy.)