

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Bail App No. 72/2025

Inderpreet Singh

.....Petitioner/Appellant(s)

Through: Mr. Ajay Gandotra, Advocate

Vs

UT of J&K and another

..... Respondent(s)

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

Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

ORDER
30.06.2025

1. The Investigation in case of FIR No. 127/2010 of Police Station Bari Brahmana, District Samba under Sections 302/120-B/201 RPC culminated into the filing of the final charge report/challan before the Competent Court against 6 accused persons including the present petitioner Inderpreet Singh. Pursuant to the commitment of the case in terms of Section 205-B of the erstwhile J&K Code of Criminal Procedure, the case was tried by the court of Learned Principal Sessions Judge, Samba. The investigating officer/SHO concerned at the time of filing of the final police report/challan before the court made a request for initiation of proceedings under Section 512 of the code corresponding to Section 335 of the BNSS against the present petitioner/accused who allegedly could not be arrested during the investigation of the case in a normal routine manner.
2. Accordingly, the proceedings as prayed for came to be initiated against the present petitioner/co-accused by the learned trial Court. One of the

accused namely Niranjn Singh is reported to have died during the trial of the case. The other four accused who faced the trial in the case came to be convicted by the learned trial Court through judgment of conviction dated 04.05.2022 and sentenced to imprisonment of life and payment of fine.

3. After the conclusion of the trial as against the four accused, the present petitioner came to be arrested on 20.03.2024 and he is facing trial in the said case individually as per the procedure under law.
4. Through the medium of the instant petition, the petitioner has sought the grant of default bail in his favour under the provisions of Section 187(3) of BNSS 2023 as according to him he was not furnished with the copies of the final police report/challan and the documents enclosed with the same within the period of 90 days from the date of his arrest on 20.03.2024.
5. The question of default bail does not arise at all in the facts and circumstances of the case because the final report/ challan is deemed to have been filed as against him, also when the main challan was filed before the Court which also came to be disposed of through the judgment of conviction and order of sentence as against four co-accused. The present petitioner who has been arrested on 20.03.2024 is separately facing trial which was pending as against him and is reportedly on medical bail having been granted by this Court valid till today.

6. The grievance of the petitioner is that he has not been furnished with the copies of the final police report/challan and the documents enclosed with the same upon his arrest in the case even till date.
7. It is the statutory obligation of the trial Court to furnish the copy of the final police report/challan as well as the copies of all the documents enclosed with the same as annexure thereto. The investigating agency at the time of filing final report is supposed to have enclosed with the same, complete sets of the copies for all the accused persons. It was the duty of the trial Court to ensure that a complete copy of the prosecution case is retained for being furnished to the petitioner at the time of his arrest in the case for starting trial against him separately which was kept pending after initiating the proceedings under Section 512 of the code on the request of the investigating officer/SHO concerned against the said petitioner/accused.
8. It is borne out from the perusal of the record of this Court file that the petitioner had also applied to the learned trial Court for passing a direction upon the prosecution for furnishing of the complete set of the prosecution case to him so as to enable him to defend himself. He had also prayed for providing English translated version of the charge-sheet which is in Urdu language.
9. The learned trial Court through the order dated 11.12.2024 has declined the prayer of the petitioner for furnishing him the English translated version of the prosecution case on the ground that said requirement is unknown to the Court. As regards the main prayer for furnishing the complete set of the copy of the Criminal case to the

petitioner/co-accused, the learned trial Court has directed for providing a copy of the judgment of conviction in which other co-accused came to be convicted as the said judgment is likely to give a brief resume of the prosecution case, and statements of witnesses in English language.

10. This Court does not at all agree with the said opinion of the learned trial Court in directing his office to provide a copy of the judgment of conviction to him. The petitioner being co-accused in the case and as against whom the trial has now started afresh has to be necessarily furnished with the complete copy of the police report/challan and the documents enclosed with the same.
11. It is submitted by the learned counsel for the petitioner that despite the arrest of the petitioner/co-accused in the case on 20.03.2024, no effective proceedings have taken place since then in the case.
12. For the foregoing discussion the instant petition is dismissed to the extent of prayer for grant of default bail which is not applicable in the facts and circumstances of the case. However, the learned trial Court is directed to ensure that a complete copy of the police report/challan and the documents enclosed with the same is furnished to the petitioner/co-accused positively on the next date of hearing. The learned trial Court shall also expedite the pending trial as against the present petitioner.
13. *Disposed of.*

(Mohd. Yousuf Wani)
Judge

Jammu
30.06.2025
Rahul