

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

CRM(M) No. 452/2021

CrIM No. 1470/2021

CrIM No. 1469/2021

Narinder Khajuria

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

Through: Mr. Jagpaul Singh, Advocate

vs

UT of J&K & Anr.

....Respondent(s)

Through: Mr. Vivek Mattoo, Advocate vice
Mr. Vishal Bharti, Dy.AG for R- 1
Mr. Ravinder Sharma, Sr. Advocate with
Mr. Aditya Vikram Sharma, Advocate for
R-2

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

ORDER
(30.09.2025)

01. Petitioner has invoked inherent jurisdiction of this Court for quashment of Order dated 28.06.2021, passed by learned Chief Judicial Magistrate, Samba, vide which private respondent came to be admitted to interim bail in FIR No.98/ 2021 for offence under Section 304-B IPC, registered with Police Station, Vijaypur and Order dated 20.07.2021, passed by learned JMIC, Samba [“ the trial court”], vide which aforesaid interim bail was made absolute, on various grounds urged in the memo of this petition.

02. It is contention of the petitioner that private respondent preferred an application for enlargement on bail, which came to be withdrawn on 22.06.2021.

He filed second application for bail on the same day, which was not signed by him.

03. The plea has been opposed on the other side by the official respondent as well as private respondent, primarily on the ground that there is no illegality in the orders propounded by learned courts below.

04. Heard arguments and perused the file.

05. Mr. Ravinder Sharma, learned senior counsel appearing for the private respondent has produced a copy of Order dated 10.11.2022, passed by this Court, vide which, husband of the deceased came to be enlarged on bail. He submits that bail plea of the husband of the deceased, who as per the charge sheet is the prime accused, was never opposed by the petitioner.

06. Record bears testimony to the fact that private respondent came to be enlarged on bail during investigation. The investigation culminated in the presentation of charge sheet against him and co-accused on 13.09.2021. The charge sheet was committed to the trial court on 29.09.2021, whereafter all the accused persons, including the private respondent have been charged by the trial court on 23.05.2022, i.e. more than 3 years back.

07. Perusal of the trial court record reveals that prosecution, so far has managed to examine a couple of witnesses only out of 13 listed. In the circumstances, it shall not be proper to withdraw the liberty accorded to the private respondent at this length of trial.

08. For the aforesaid reasons, the present petition is dismissed, along with connected application(s).

09. Interim direction, if any, shall stand vacated.

(RAJESH SEKHRI)
JUDGE

Jammu
30.09.2025
Sapna

