

**IN THE HIGH COURT OF JAMMU AND KASHMIR  
AT SRINAGAR**

(Through Video Conferencing)

EMG Bail App. No. 27-A/2020  
EMG CrIM No. 22-A/2020

Din Mohammad Manhas

..... Petitioner(s)

Through: -

Mr Peer Aijaz Rasool Shah, Advocate *(On Voice Call from his residence)*

V/s

State of JK through P/S Chadoora

..... Respondent(s)

Through: -

Mr B. A. Dar, Sr. AAG *(On Voice Call from his residence)*

**CORAM:**

**Hon'ble Mr Justice Ali Mohammad Magrey, Judge** *(On Video Conference from Srinagar Wing)*

**ORDER**

18.05.2020

01. The applicant-father of the accused, namely, Din Mohammad Manhas S/o Abdul Razak Manhas R/o Town Kalaban, Tehsil Mendhar, District Poonch, has filed the instant application seeking grant of interim bail in favour of the accused in case bearing FIR No. 60/2016 registered in Police Station Chadoora for the commission of offences punishable under Sections 363 and 376 of the erstwhile Ranbir Penal Code (RPC) on the grounds detailed out in the application with particular reference that in view of the directions passed by Hon'ble the Supreme Court with regard to decongestion of jails in the country for stopping the spread of COVID-2019, the accused deserves to be released on bail. Besides, it is also pleaded in the application that the accused had initially filed an application seeking his release on bail before the learned

trial Court, i.e., the Court of learned Principal Sessions Judge, Budgam, which application, vide order dated 23<sup>rd</sup> of April, 2020, stands rejected by the learned trial Court. It is argued that the learned trial Court did not consider the grounds raised in the said application nor did it appreciate the evidence on record in its true and correct perspective while rejecting the application filed by the accused.

02. Notice was issued in the instant application on 11<sup>th</sup> of May, 2020, on which date, Mr B. A. Dar, learned Senior Additional Advocate General, had appeared in the matter and waived notice on behalf of the respondents. He had sought time to file the objections.

03. Objections not filed by respondents. However, Mr Dar submits that the accused is involved in heinous offence(s) having far reaching consequences on the society, as such, does not deserve the concession of bail in his favour. The learned Senior Additional Advocate General further submits that the accused has already approached the learned trial Court and that the Court below, on the basis of the evidence available on record, has refused to grant bail to the accused.

04. Heard the learned counsel for the parties, perused the pleadings on record and considered the matter.

05. At the very outset and on perusal of the guidelines issued by the Hon'ble Apex Court of the country regarding the subject of de-congestion of jails, the Court is of the considered view that the case of the present accused does not fall within the said guidelines laid down there by the Hon'ble Apex Court for grant of interim bail for the simple reason that the offences

committed by the accused are heinous in nature entailing punishment of imprisonment for more than seven years. The pleadings on record reveal that the accused had already approached the learned trial Court with an application seeking his release on bail which application stands rejected. Be that as it may, the Court is the considered view that since the trial of the case is at advanced stage and that the evidence is available with the learned trial Court, it shall be appropriate to ask the learned trial Court to re-consider the bail application of the accused afresh on the grounds taken herein this application, or for that matter on whatever ground(s) available to the accused. The learned trial Court shall consider the bail application of the accused in tune with the mandate of law governing the subject as well as the evidence on record and shall not get influenced by any observation made or finding recorded, either in this order or in the earlier order of rejection passed by it, expeditiously and not later than one week thereafter.

06. Ordered accordingly. Let the parties appear before the learned trial Court on Wednesday, the 20<sup>th</sup> of May, 2020.

07. Bail application *disposed* of, alongwith connected CrIM(s).

08. Registry to send copy of this order to the learned appearing counsel for the parties as well as to the learned Court below through *e-mail*.

(Ali Mohammad Magrey)  
Judge

**SRINAGAR**  
May 18<sup>th</sup>, 2020  
"TAHIR"