

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

(Through Video Conference)

EMG-WP(C) No. 18/2020,
EMG-CM No. 34/2020.

Raghubir Singh

.....Petitioner (s)

Through :- Mr. Jagpaul Singh, Advocate
(on Video Call from residence in Jammu)

V/s

Union Territory of Jammu & Kashmir and
others

.....Respondent(s)

Through :- Mr. Raman Sharma, AAG
(on Video Call from residence in Jammu)

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER

01. In the instant writ petition, learned counsel for the petitioner states that despite the petitioner having been granted bail by virtue of order dated 08.04.2020, issued by the learned Additional Special Mobile Magistrate, Samba (Duty Magistrate) in FIR No. 166/2019 for offences under Section 3/25 Arms Act, respondent No. 2 has not been releasing him from the custody.

02. He has further stated that he has already been granted bail in two other matters, in case titled i) State Vs Yashvir Singh” for offences under Section 307/34 RPC and 3/25, 4/25 Arms Act, pending before the learned, Principal Sessions Judge, Samba & ii) “State Vs Parveen Kumar and others” for offences under Section 326/382/341/147/148/34/201 RPC and Section 4/25 Arms Act, pending before Additional M. M. Samba.

03. Mr. Raman Sharma, learned AAG has filed the status report, the relevant portion of which is reproduced as under:-

| S. No. | FIR No. | Offence | Police Station | Remanding Court | Remarks |
|--------|----------|------------------------------------|----------------|-----------------------------|--------------------------|
| 1. | 166/2019 | U/S 3/25 A Act | Vijaypur | Addl. Munsiff JMIC, Samba | Bailed out on 08.04.2020 |
| 2. | 103/2011 | U/S 307/147/148/149 RPC | Samba | Pr. Sessions Judge, Samba | Still awaited |
| 3. | 04/2018 | U/S 341/385/34 RPC, 3/25 A Act | Miran Sahib | Addl. Spl. M. M. R. S. Pura | Still awaited |
| 4. | 47/2015 | U/S 307/341/382/147/148/201/34 RPC | Vijaypur | Munsiff Addl. M.M., Samba | Still awaited |
| 5. | 115/2011 | U/S 341/147 RPC | Bishnah | JMIC Bishnah | Disposed of |

04. The report reveals that the petitioner has submitted the bail order of FIR No. 166/2019 to the respondent No. 2 and in other three FIRs figuring at Sr. No. 2, 3 & 4, the petitioner has not submitted the bail orders.

05. Mr. Jagpaul Singh, learned counsel appearing for the petitioner submits that he will submit the bail orders passed by the respective Courts in the aforementioned three cases arising out of the FIRs cited above to the respondent No. 2. Mr. Raman Sharma, learned AAG has no objection to the same.

06. The petition can be disposed of at this stage with the directions that on being furnished the bail orders passed by the respective Courts, by the petitioner, the respondent No. 2 shall release the petitioner from his custody forthwith provided his detention is not warranted in any other case.

07. With the aforesaid directions, the writ petition is disposed of along with connected CM(s).

08. Copy of this order be provided to learned counsel for the petitioner as well as Mr. Raman Sharma, learned AAG through e-mail.

(RAJNESH OSWAL)
JUDGE

Jammu
11.05.2020
(Muneesh)