

HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR

CRA No.11/2018, MP No.01/2018

Date of Order: 04.05.2018

Jan Mohammad Dar and Another v/s State through Police Station Crime Branch

Coram:

Hon'ble Mr Justice Sanjeev Kumar, Judge

Appearance:

For the petitioner(s): Mr.R.A.Jan Sr.Advocate with Mr.Muzaffar, Advocate

For the respondent(s): Mr. B.A.Dar, Sr.AAG

Objections have not been filed.

Having heard learned counsel for the parties and perused the record, including the judgment impugned, I find that some debatable questions of law and fact are involved which require elaborate discussion.

The appellant no. 1 has been convicted and sentenced to undergo rigorous imprisonment of three years for commission of offences under Section 5(1)(d) read with section 5 (2) of Prevention of Corruption Act and 120-B RPC and also to pay a fine of Rs.5.00 lacs. Appellant No.2 has been ordered to undergo one year simple imprisonment.

So far as appellant no.1 is concerned, no good ground has been made to suspend the sentence and grant him bail at this stage. However, so far as the appellant no.2 is concerned, she is a girl of 23 years. In case she is detained it would adversely affect her career and health.

Keeping in view the circumstances aforesaid, I am inclined to suspend the sentence imposed upon the appellant no.2 by the trial court vide judgment impugned. The appellant no.2 shall be released from custody in case she furnishes a bail bond to the tune of Rs.50,000/- with a surety of the like amount to the satisfaction of Incharge Central Jail, Srinagar. This order, however, is

subject to objections and till next date of hearing before the Bench. Let the matter come up for consideration on 22nd May, 2018. In the meanwhile, the respondents shall file objections.

(Sanjeev Kumar)
Judge

Srinagar
04.05.2018
Sarveeda

