

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

CrlM No. 57/2026
CRM(M) No. 799/2025

Usman Ahmad Baba and Ors.

..... Petitioners

Through: Mr. Z.A. Qureshi, Advocate with
Ms. Rehana, Advocate

Vs

UT Through Sr. Additional Advocate General and Anr.

..... Respondent

Through: None

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(02.02.2026)

01. Three petitioners herein being aggrieved of an order dated **11.11.2025** passed by the court of Special Judge (Designated Court under NDPS Act), Anantnag came to invoke the inherent powers of this Court as preserved under section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 through medium of petition **CRM(M) No. 799/2025**

02. Passing of said order dated **11.11.2025** by the court of Special Judge (Designated Court under NDPS Act), Anantnag is by reference to **FIR No.02/2021** registered by the Police Station Pahalgam for alleged commission of offences under section 304, 201 IPC read with sections 8/20 and 21 of Narcotic Drugs &

Psychotropic Substances (NDPS) Act, 1985 which resulted in representation of a Final Police Report **No. 7/2021** by the Police Station Pahalgam for alleged commission of offences under sections 304, 201 IPC, 8/20, 21 & 27 NDPS Act, 1985 thereby booking five persons as accused, three of which are the petitioners herein.

03. The alleged incident which led to the registration of FIR is of 27th - 28th December 2020, when one Mubashir Sajad, who along with the petitioners, had gone on a purported friendly acting to Pahalgam on **26.12.2020** lodging themselves in Hotel Aakash Palace on **27.12.2020** whereat they are said to have consumed narcotics but said Mubashir Sajad had fainted allegedly due to overdose consumption of narcotics and, thus, meeting his death.

04. Inquest proceedings came to be initiated leading to registration of FIR and presentation of Challan which had resulted in arrest of the accused persons on **06.01.2021** before coming to be released of bail by virtue of the court order.

05. The petitioners are undergoing trial with evidence of Prosecution being led on the basis of the Charge Order dated **26.07.2022** whereby the petitioners have been charged for offences under section 304 IPC and sections 8/21 of NDPS Act.

06. The cause of action for the petitioners to petition this Court is when in response to the protest petition filed by the father

of the deceased, the trial court came to order stay of the trial while directing further investigating under Section 173(8) of Cr.PC, 1973. The petitioners, thus, came to assail the exercise of jurisdiction in the aforesaid manner by the trial court.

07. The petitioners came forward with an application **CrIM No. 57/2026** filed on **31.01.2026** by reference to communication from ASP(N), Anantnag as Team Head SIT addressed to the petitioners individually in the form of Questionnaire bearing **No.185/5A/PSPGM/2026** dated **28.01.2026**, **186/5A/PSPGM/2026** dated **28.01.2026** and **187/5A/PSPGM/2026** dated **28.01.2026**.

08. Through the medium of the aforesaid three communications addressed to the petitioners, the Police Officer is soliciting information from the petitioners which is reckoned by the petitioners to be prejudicing their right of defense in response to the criminal case in which they are undergoing trial.

09. During the pendency of the petition, the original complainant-Sajad Ahmad Dar came forward with an application seeking his impleadment as a party respondent in the present petition and said application came to be filed on **09.04.2026**.

10. The petitioners are, thus, seeking stay of the aforesaid communications pending the final adjudication of this petition.

11. There is a prima facie case made out by the applicants/ petitioners for seeking indulgence of this Court in **CrIM No.57/2026**, as such, let response to the said application be filed by the Team Head SIT of the Police Station Pahalgam.

12. In the meantime, the aforesaid communications shall not be given effect to against the petitioners. This order is, however, subject to objections from the other side.

13. List on **29.05.2026**.

SRINAGAR
02.02.2026
Opinder

