

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

Case: CRM(M) No. 15/2025  
CrIM No. 33/2025

Mahad Joo and others

....Appellant/Petitioner(s)

Through :- Mr. Ajaz Chowdhary, Advocate.

V/s

U.T of J&K and others

....Respondent(s)

Through :- Ms. Aparna Gupta, assisting counsel to  
Mr. Eishann Dadhichi, GA.

**Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE**

**ORDER**  
**03.01.2025**

01. It has been brought to the notice of this Court by learned counsel for the petitioners that all the petitioners who were allegedly arrayed as accused in FIR No. 147 of 2012 registered with Police Station, Surankote under Section 307, 326, 324, 223, 147, 148 RPC and 3/25 Arms Act, have been acquitted by the learned Principal Sessions Judge Poonch vide order/judgment dated 27.09.2024 and operative portion of the judgment for facility of reference is reproduced as under:-

*“48. Thus the net result of whatever has been discussed above is that the prosecution has badly failed to corroborate its case in accordance with law. The challan of the prosecution as such is dismissed. The accused are acquitted of the charges leveled against them u/ss. 301, 326, 324, 323, 147, 148 RPC, 3/25 Arms Act by giving them the reasonable benefit of doubt. The accused persons are set at liberty forthwith if not in custody. The bail bonds and personal bonds of the accused persons shall stand discharged.*

*Seized articles seized if any in the case shall be destroyed after the appeal period. The file after due compilation be consigned to record. However as the accused No. 2 has been proceeding u/s. 512 Cr. P.C as such the file be put up before the court after the arrest of accused No. 2.”*

01. Learned counsel for the petitioners have vehemently argued that as per the operative portion of the judgment, the bail bonds and personal bonds of the petitioners/accused have been discharged and when bail bonds and personal bonds were discharged, there is no question of depositing the surety amount and personal bond amount and, thus, the orders impugned which have been passed against the petitioners, tantamount to abuse of process of law and hence, the same are required to be quashed.

02. Heard learned counsel for the petitioners and perused the record.

03. *Prima facie*, a case for indulgence is made out.

04. Issue notice to the respondents.

05. Ms. Aparna Gupta, assisting counsel to Mr. Eishaan Dadhichi, learned GA waives notice on behalf of the respondents.

06. Response be filed by or before the next date of hearing.

07. List on 18.02.2025.

08. Meanwhile, subject to objections from the other side and till next date of hearing before the Bench, impugned order dated 07.11.2024 in case titled *“Robkar Vs. Mahad Joo”*, order dated 07.11.2024 in case titled *“Robkar Vs. Zoni”* and order dated 07.11.2024 in case titled *“Robkar Vs. Habib Joo”* passed by the learned Principal Sessions Judge, Poonch shall remain stayed till the next date of hearing.

Alteration/modification on laying motion.

Registry is also directed to summon the original record from the Court of learned Principal Sessions Judge, Poonch in case titled "***Robkar Vs. Mahad Joo***", "***Robkar Vs. Zoni***" and "***Robkar Vs. Habib Joo***".

**(Wasim Sadiq Nargal)**  
**Judge**

Jammu:  
03.01.2025  
Renu

