

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

CRMC 681/2018

IA(1/2018)

c/w

APPCR 67/2018

IA(1/2018)

CRMC 637/2018

IA(1/2018)

ASMA FAROOQ

...Petitioner/Appellant(s)

Through: Mr. Supreet Singh Johal, Advocate

Vs.

**STATE OF J AND K TH.
COMMISSIONER SECY. HOME DEPTT.
AND ORS**

...Respondent(s)

Through: Mr. Intikhab H Shah, Advocate

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

27.02.2026

CRMC No. 637/2018

1. After hearing learned counsel for the parties and upon perusal of the record, it transpires that the present petition was filed challenging the order whereby interim bail had been granted by the learned Trial Court. It is not in dispute that the said interim order subsequently merged into the final order, which itself has been assailed by way of a separate petition pending adjudication before this Court.
2. In view of the subsequent developments and the fact that the interim order no longer survives independently for consideration, the present

petition has been rendered infructuous. Accordingly, the petition is dismissed as infructuous.

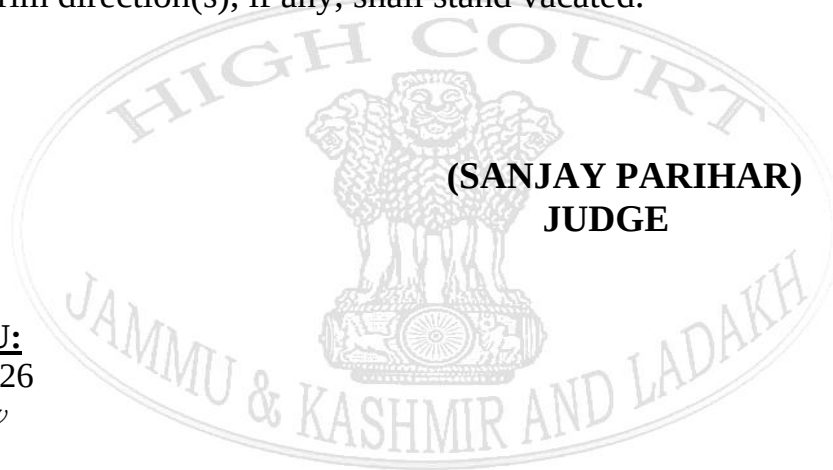
CRMC No. 681/2018

1. By way of the present petition, the petitioner–complainant has called in question the order dated 11.10.2018 passed by the learned Judicial Magistrate 1st Class, Banihal, whereby the respondents, accused in FIR No. 154/2018 for offences under Sections 498-A, 467, 382 and 420 RPC, were released on bail. The principal contention raised is that the allegations levelled against the respondents are grave in nature and the learned Trial Court granted bail in a mechanical and hasty manner.
2. A perusal of the impugned order reveals that the respondents were initially granted interim bail on 15.09.2018, which was subsequently made absolute by virtue of the order dated 11.10.2018. It is further borne out from the record that despite lapse of considerable time, the investigation has not culminated into filing of the charge-sheet. As per the status report dated 30.09.2021 placed before this Court, investigation is stated to be still underway. The delay appears to have been occasioned, *inter alia*, due to matrimonial discord between the parties, who are admittedly husband and wife and are engaged in multiple litigations. It has also been reported that although signatures of the complainant have been obtained, she has not extended full cooperation in leading further evidence in support of the allegations.
3. Be that as it may, it is a settled principle that grant of bail is a matter of judicial discretion, and such discretion ought not to be interfered with unless shown to be arbitrary, perverse or exercised in disregard of settled principles of law. In the present case, the respondents have

been on bail since the year 2018. There is nothing on record to indicate that they have misused the concession of bail or have in any manner hampered the investigation process. The conditions imposed at the time of granting interim bail have been complied with.

4. In the absence of any supervening circumstances or material demonstrating misuse of liberty, this Court does not find any perversity or illegality in the exercise of discretion by the learned Trial Court. Accordingly, the petition is found to be devoid of merit and is dismissed.

5. Interim direction(s), if any, shall stand vacated.



JAMMU:
27.02.2026
Akshil Dev