

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

Case:- Bail App No. 370/2025

Sabeel Ahmad Baba

.....Petitioner

Through: Mr. Shivan Mahajan, Advocate

**Vs**

UT of J&K & Anr.

.....Respondent(s)

Through: Ms. Nazia Fazal, Advocate vice  
Mrs. Monika Kohli, Sr. AAG

**Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**

**ORDER**  
**(22.05.2026)**

1. During the course of submissions of this case, one very striking aspect of the case, from which this Court is not able to distance itself from taking serious cognizance, is the fact that the registration of **FIR No. 0061 of 2019** dated **12.09.2019** by the Police Station, Lakhanpur at 8:30 am had taken place first and the alleged commission of offences took place at 9:45 am when truck **No. JK-13E/2000** driven by a person who later on came to be identified as Sabeel Ahmad Baba, the petitioner herein, was intercepted by the Police of Police Station, Lakhanpur wherefrom the alleged recovery of arms in the form of **04 Nos. of AK-56 rifles, 02 Nos. of AK-47 rifles, 06 Nos. of loaded magazines with 30 rounds** each came to be made at the time of said search of the truck **No. JK-13E/2000.**

2. The petitioner, as being driver and two others namely, Ubaid-ul-Islam, who was sitting along with Jahangir Ahmad Parray-conductor, were found to be ones commuting in said truck and taken into custody as accused persons, later on to be joined in the course of investigation by two more accused persons, namely, **Bashir Ahmad Lone** and **Suhail Ahmad Dar**.

3. Accused No. 6 is a person named **Ashiq Ahmad Nengroo** alias Ashiq Molvi.

4. On the basis of the investigation conducted, final police report **No. 18 of 2020** dated **08.03.2020** came to be presented by SHO Police Station, Lakhampur, acted through its Dy. SP- Shri Kamal Dev Bhagat.

5. The presentation of final police report thereby booking six accused persons, five of whom came to be put up for trial with accused No. 6 being absent, is for alleged commission of offences under sections **120-B/201** of the Ranbir Penal Code (RPC) and for sections **13/18/38/39** of the Unlawful Activities (Prevention) Act, 1967 read with section **7/25** of the Indian Arms Act, 1959.

6. The presentation of the challan was made by APP on **09.03.2020** before the Special Judge, TADA/NIA, Jammu.

7. The original FIR incidentally was not forming part of the final police report to which aspect this Court came to address its attention in terms of an order dated **11.05.2026** and solicited the report from the learned 3<sup>rd</sup> Additional Sessions Judge (designated court under section 22 of NIA Act), Jammu wherein the trial of the case is going on.

8. The report dated 21.05.2026 has come to be submitted wherein it is being mentioned that the challan was presented at the residence of the Presiding Officer of the court because of Covid-19 restrictions.

9. From the record, it is forthcoming that the original **FIR No. 0061/2019** of Police Station, Lakhanpur (Kathua) was submitted before the Chief Judicial Magistrate, Kathua which was sent for by the court of 3<sup>rd</sup> Additional Sessions Judge (designating Judge under NIA Act), Jammu in terms of an order dated **10.03.2020** but no original FIR **No. 0061/2019** dated **12.09.2019** came to be received from the court of Chief Judicial Magistrate, Kathua and instead a copy of FIR came to be procured from the Prosecution to be annexed for the purpose of providing the information to this Court.

10. The petitioner came to be arrested on **12.09.2019** itself and so were his two co-accused, namely, **Ubaid-ul-Islam** and **Jahangir Ahmad Parray** and continue to be in custody now counting as judicial custody as undertrials, having approached this Court for the purpose of seeking bail.

11. With respect to missing of original FIR and other salient aspect of the investigation, this Court calls upon Ms. Nazia Fazal, Assisting Counsel to Mrs. Monika Kohli, learned Sr. AAG to confirm to this court the fact as to whether the Investigating Officer of the case- Dy. SP- Shri Kamal Dev Bhagat is still in service or has superannuated. In case, Dy. SP is still in service then let him appear in person on next date of hearing.

12. Mr. Shivan Mahajan, learned counsel for the petitioner is requested by this Court to come up with a chronology of the prosecution witnesses examined so far and also those prosecution witnesses who are yet to be examined.

13. List in continuation on **05.06.2026**.

**(RAHUL BHARTI)**  
**JUDGE**

**JAMMU**

**22.05.2026**

Sneha

