

IN THE COURT OF SPECIAL JUDGE NIA CASES JAMMU.

File No. 453/2026/Cri.Misc
Date of Institution 07.08.2026

Date of Order
18.08.2026

Shabir Ahmed Shah (Applicant/accused)

Vs

National Investigation Agency (Respondent)

RC No. 01/2026/NIA/JMU

In the matter of:-Application seeking direction for immediate medical treatment of applicant for a direction that applicant shall not be handcuffed or shackled while being taken to hospital or court.

Present: Sh. Tanveer Ahmed Khan, Advocate for the applicant.

CORAM: Prem Sagar,
UID No.JK00151

ORDER

1. By medium of this order, an application of applicant Shabir Ahmed Shah seeking direction for immediate medical treatment of applicant and for a direction that applicant shall not be handcuffed or shackled while being taken to hospital or court shall be disposed off.
2. It is stated in the application that the applicant is an undertrial prisoner in the above-captioned case and is presently lodged in Central Jail, Kot Bhalwal, Jammu. The applicant is about 74 years of age and is suffering from several serious ailments including Hypertension, Diabetes Mellitus, Cervical and Lumbar Spondylitis, Bilateral Inguinal Hernia, Osteoarthritis, Coronary Artery Disease, Benign Prostatic Hyperplasia and other chronic medical conditions, for which he is under continuous treatment. For the last several days, the applicant has been suffering from severe pain and a serious deterioration in his health condition. His medical condition has

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become critical and he is in urgent need of immediate medical examination, specialist consultation and treatment at a Super Specialty Hospital. Any further delay is likely to aggravate his medical condition and may cause irreparable prejudice to his health.

3. While shifting the applicant from the jail to the hospital or to this Hon'ble Court, there is a genuine apprehension that the escorting officials may handcuff or shackle him. Considering his advanced age, fragile health, emergency medical condition and physical incapacity, the use of handcuffs would cause immense pain, humiliation and further endanger his health. The applicant has always cooperated with the investigation and judicial proceedings and has never attempted to abscond or misuse the concession granted by any Court. There exists no exceptional circumstance warranting the use of handcuffs. The Hon'ble Supreme Court has consistently held that handcuffing of an undertrial prisoner cannot be resorted to as a matter of routine and is permissible only in exceptional circumstances for reasons to be recorded and in accordance with law, hence the application.
4. On presentation of application, latest report regarding health conditions of applicant/accused was called from the concerned jail authorities, the same is received through Email. Perusal of the same reveals that as per the available records, abovementioned jail inmate is a known patient of Hypertension, Diabetes Mellitus, DNS, cervical and Lumber Spondylitis, Bilateral Inguinal Hernia, BHP, Osteoarthritis right knee, low backache, etc. He is under the treatment from Safdarjung Hospital Delhi from various Deptt. Viz. Cardiology. Urology. Neurology, ENT, eye, Endocrinology, Medicine and from the jail Doctors He was also advised for surgery of inguinal hernia. The consultants of different faculties from GMCH and SSH Jammu, had visited to this jail and examined him and advised certain investigations. Report further reveals that he was referred to GMCH/SSH Jammu for further management and advised investigations

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on 06-08-26, but he categorically refused for the same. However most of his blood investigations were conducted in the Lab of the jail Hospital and few were sent to GMCH Jammu and report of all the tests are within normal limits. However he is frequently being examined by the visiting Physicians and all the medicines and good medical diet as per protocol, are being provided to him and he is doing well with the prescribed medicines. Also he has provided with L/S Belt, soft pillow, back cushions etc.

5. CIO DySP Ankit Rohilla has filed objections and submitted that the Jail Authorities of Central Jail Kot Bhalwal, being responsible for the custody and medical care of the applicant, are the appropriate authority to verify the applicant's present medical condition, the treatment being administered to him, the medical advice rendered from time to time, and the necessity, if any, for his examination or treatment at a Super Specialty Hospital. Accordingly, any assertion regarding the present medical condition of the applicant, the seriousness of his ailments, or the alleged necessity for immediate examination and treatment at a Super Specialty Hospital may appropriately be considered on the basis of the medical record maintained by the Jail Authorities and the opinion of the competent medical professionals treating the applicant.

6. The applicant filed this application solely on humanitarian grounds. Recently, in CrI. A (D) 46/2026 Waheed-ul-Zahoor & Others Vs NIA the Hon'ble High Court of Jammu & Kashmir and Ladakh in order dated 07.08.2026, held that "Emotional and humanitarian grounds cannot override national Security. The Court has to balance the larger societal interest first." The averments related to the apprehension regarding handcuffing or shackling of the applicant during his movement from the jail to the hospital or to this court, are matters to be governed by the applicable law, judicial directions and the prevailing Jail Rules. It is further submitted that while the accused was in custody of NIA, all

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medical treatments were provided to him in accordance with the rules and the directions passed by this court.

7. The NIA has no occasion to comment upon or anticipate the manner in which the applicant would be escorted by the jail authorities. The movement escort and security arrangements in respect of prisons are undertaken by the competent jail authorities in accordance with applicable statutory provisions, Jail Rules and direction of the court. It is prayed that the court may pass an appropriate order in accordance with law so that further investigation is not prejudiced.
8. Heard both sides and gone through the documents annexed with file.
9. As per the medical report received from Superintendent Central Jail, Kot Bhalwal wherein it is stated that accused/applicant was provided treatment by visiting specialized doctors besides being examined by visiting physician. The applicant/accused is on good medical diet as per the protocol and he is provided with the articles for his comfort in consonance with his health condition. Admittedly, the accused is of advance stage of 74 years of age and suffering from several ailments and in this eventuality if the applicant requires any specialized treatment be taken to specialized doctor/s by jail authorities as and when needed. The jail authorities shall follow the rules as per jail manual while taking him to hospital/ court from jail and ensure that accused be not unnecessarily hand cuffed and he shall be escorted by sufficient security personnel to guard him. Application is disposed off accordingly and same shall form part of main challan file.

Announced
18.08.2026

Sd/-
Special Judge
NIA Court, Jammu

Copy to :

Superintendent, Central Jail, Kot Bhalwal through email for compliance

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[Signature]
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Sr No of Register 572:

Dt. of Receipt of Application 18/08/26

Dt. of Notice for Stamps 18/08/26

Dt. of Dispatch of Stamps 18/08/26

Dt. of Preparation of Copy 18/08/26

Name of Applicant Adv. Yash Zaygar.

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