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BEFORE THE HON'BLE HIGH COURT OF JAMMU & KASHMIR AND
LADAKH AT JAMMU

Provision of Law: Section 439 of the Code of Criminal Procedure

Matter pertains to District Jammu

Bail Application No. 223 /2026

Vivek Bassan Age: 46 years

S/o Sh. Basant Ram

R/o House No. 6, Mohalla Ustad, Jammu

Presently lodged in District Jail, Amphalla, Jammu.

...Applicant/Petitioner

V/S

Central Bureau of Investigation (CBI), ACB, Jammu

through its Superintendent of Police,

Rail Head Complex, Jammu.

...Non-Applicant/Respondent

True Copy attested

Deputy Registrar
High Court of Jammu and Ladakh
Jammu

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Regular List
Serial No. 05

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

Bail App No. 223/2026
CrlM No. 2023/2026

Vivek Bassan

.....Petitioner

Through: Mr. Aseem Kumar Sawhney, Sr. Adv.
with Mr. Harsh Singh, Advocate
Mr. M. Kashif Malik, Advocate
Mr. Aman Sharma, Advocate &
Ms. Tehseena Bukhari, Advocate.

Vs

Central Bureau of Investigation, ACB Jammu

.....Respondent

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

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

ORDER
(23.10.2026)

01. Heard Mr. Aseem Kumar Sawhney, learned Sr. Advocate, particularly by reference to application-CrlM No. 2023/2026, whereby the petitioner, who is an undertrial in custody, is seeking ad interim bail.

02. It is stated in the main bail petition by the petitioner that original Police Report/Charge-sheet, in FIR No. (0085 dated 18.05.2018 Police Station Pacca Danga) later RC00420 1950002/2019 dated 26.03.2019 with Central Bureau of Investigation (CBI), submitted by the Police Station Central

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Jammu

Bureau of Investigation (CBI), ACB Jammu, was for offences under **sections 498-A** and **304-B** of the Ranbir Penal Code (RPC) read with **section 30** of the Arms Act, 1959, but the trial court of learned Additional Sessions Judge, Jammu, in its charge-framing order dated **18.02.2022** in the case, has slapped a charge for the commission of offence under **section 302** of the Ranbir Penal Code (RPC) as well read with offences under **sections 304-B/498-A** of the Ranbir Penal Code (RPC) and offence under **section 27(3)** of the Arms Act, 1959.

03. Mr. Aseem Kumar Sawhney, learned Sr. Advocate, submits that the *bona fide* conduct of the petitioner is exhibited from the fact that during the pendency of the trial, he has been admitted periodically to interim bail related to contingency projected before the trial court and in this regard reference is made in **para 15(g)**.

04. There are 88 Prosecution witnesses cited out of which 81 are said to have been examined.

05. The petitioner is, thus, waiting for the conclusion of the prosecution evidence to establish his innocence of the charges levelled against him, but, for the purposes of interim bail being solicited through application-CrIM No. 2023/2026, the petitioner is citing critical health condition of his ailing aged father, who is

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82 years of age who is looking after the petitioner's minor son as well because of the petitioner's confinement in custody.

06. The alleged commission of offences for which the petitioner came to be booked and put up for trial and also being charged for trial is relatable to death of his wife, namely, Neha Kumari, who is said to have suffered fatal injury on **26.02.2018** because of gunshot involving the service weapon of the petitioner, who, at the relevant point of time, was serving as Inspector in Jammu & Kashmir Police and was deputed to the Chief Minister's Security.

07. The petitioner was admitted to interim bail by the trial court of learned Additional Sessions Judge, Jammu, in terms of an order dated **02.02.2026** for a period of one month till **03.03.2026** and that was last of interim bails granted in favour of the petitioner by the trial court itself, whereafter the petitioner's long pending main bail application instituted on **23.08.2024** came to suffer rejection by virtue of an order dated **09.07.2026** which then led the petitioner to come forward with the present bail petition filed on **29.09.2026**.

08. It is in connection with his pending bail petition that the petitioner is seeking indulgence of this Court to grant him

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Jammu

interim bail till the final adjudication of his main bail petition takes place.

09. This Court can't escape taking notice of the fact that even the trial court of learned Additional Sessions Judge, Jammu, being seized of the trial of the case, had taken due notice of the fact that petitioner's father, being in his advanced age, was having a medical condition attending upon him and further the petitioner's own son 8 years' age at the relevant point of time, and now 12 years old, is also dependent for his day-to-day look after upon none else than his grandfather i.e., the father of the petitioner.

10. Thus, the petitioner's state of custody, as an undertrial is having its adverse effects on two lives, that is of the petitioner's father as well as his son, one is in advanced stage of life and the other one is in very initial age of his life and both of them are directly related to the petitioner's concern and custody. This Court can deny interim bail in favour of the petitioner only by reserving the presumption of innocence till proven guilty viz-a-viz the petitioner but that luxury is not legally available to any court including this Court.

11. This Court is, thus, inclined to grant indulgence for the sake of granting interim bail in favour of the petitioner and,

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Jammu

therefore, grants him interim bail till final adjudication of main bail petition subject to terms and conditions that the petitioner shall not avoid/default in appearance on any date of hearing in the case before the trial court and subject to furnishing of bond, personal as well as surety, to the satisfaction of the court of learned Additional Sessions Judge, Jammu as well as to the Superintendent District Jail, Amphalla.

12. Application-CrIM No. 2023/2026 is, accordingly, disposed of.

13. List Bail App No. 223/2026 on 30.11.2026.

Prof. Hantle
(RAHUL BHARTI)
JUDGE

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23.10.2026
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Certified to be true copy

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High Court of Jammu & The North West Frontier
District...
Authorized by Section 76 of the Evidence Act

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GOVERNMENT OF JAMMU KASHMIR
e-Court Fee

DATE & TIME :

23-OCT-2026 13:11:26

NAMES OF THE ACC/ REGISTERED USER :

TARA CHAND

LOCATION :

Janipur

NAME OF LITIGANT :

HARSH SINGH

e-COURT RECEIPT NO :

JKCT2322J2611N950

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₹ 40

(Rupees Forty Only)



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