

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

CRM(M) No. 795/2022
CrIM No. 1652/2022

Abida Kouser

..... Petitioner(s)/Appellant(s)

Through: Mr. Shakoor A. Malik, Advocate

Vs

Mahroof Mehmood and another

.....Respondent(s)

Through: Mr. Adarsh Bhagat, GA

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

ORDER
14.10.2022

Heard learned counsel for the petitioner.

If the facts are correct as being projected by the learned counsel for the petitioner through the medium of the present petition then surely the same are a matter of concern to this Court from the point of view that while the Bail Application no. 39/2022 filed before the Court by the respondent herein, who is the principal accused undergoing trial for commission of offences under section 376 of the Indian Penal Code read with section 67 of the Information Technology Act committed against the petitioner herein, is in pendency before this Court, the act on the part of the respondent no. 1 (the principal accused) in approaching the trial Court of Principal Sessions Judge, Poonch with an application on 07.07.2022 and get an order of bail in his favour in terms of an order dated 22.07.2022, is a matter which needs to be taken serious cognizance by this Court.

Learned counsel for the petitioner submits that after passing of an order dated 22.07.2022 thereby granting, so to say, an interim bail in

favour of the respondent no. 1, the trial Court has been deliberately going slow on the application of the prosecution dated 04.08.2022 seeking cancellation of the bail so granted in terms of the order dated 22.07.2022 in favour of respondent no. 1 herein.

Learned counsel for the petitioner submits that the application for cancellation of the bail is being deferred by the trial Court on one pretext or other exhibiting a mindset as if the trial Court is not interested to consider the said application for cancellation of the bail of the respondent no. 1 and the very fact that the next date in the said cancellation bail application has been fixed on 30.11.2022 is a pointer to said mindset of the trial Court.

This Court deems it fit to dispose of this petition of the petitioner at the inception stage itself with a direction to the trial Court of Principal Sessions Judge, Poonch to take up the cancellation of bail application filed by the Prosecution in the case and dispose it of within a period of 15 days from the date a copy of this order being provided to the Principal Sessions Judge, Poonch by the Registrar Judicial, Jammu of this Court. The Registrar Judicial, Jammu is directed to send forthwith a copy of this order to the Principal Sessions Judge, Poonch. The disposal of the bail application shall take place on or before 09.11.2022.

Disposed of accordingly.

(Rahul Bharti)
Judge

Jammu
14.10.2022
Muneesh