HC rejects bail plea in Al-Badr Terror Case, notes 'Jail the Rule'

■ STATE TIMES NEWS

JAMMU: The High Court of Jammu & Kashmir and Ladakh has dismissed the bail plea of 57-year-old Ghulam Nabi Rather of Kachloo, Handwara, accused of working as an over-ground worker (OGW) for the banned Al-Badr militant outfit.

A Division Bench of Justice Sindhu Sharma and Justice Shahzad Azeem upheld the Kupwara trial court's December 31, 2024 order refusing bail, observing that prima facie evidence connects the accused to terrorist activities. The court cited Section 43-D(5) of the Unlawful Activities (Prevention) Act (UAPA), which imposes stringent restrictions on bail in terrorism cases, remarking that in such matters "jail is the rule, bail the exception."

The prosecution case stems from an April 12, 2021 joint naka by J&K Police, Army's 30 Rashtriya Rifles, CRPF 92 Battalion and SOG Kralgund at Kachloo Crossing. Rather and two others allegedly tried to flee but were caught; grenades were recovered from the co-accused while a letter pad of Al-Badr was seized from Rather. Investigators linked them to Al-Badr commander Abdul Gani Khawaja and his associates operating from Badrkali forests, where arms and ammunition were recovered.

Rejecting the defence arguments over invalid sanction, incompetent investigation, and prolonged incarceration, the bench noted that 22 out of 25 prosecution witnesses had already been examined, with no delay in trial. It stressed that releasing the accused at this stage could risk influencing key witnesses and hamper justice.

The court relied on Supreme Court rulings including Watali, Gurwinder Singh, and Barakathullah to underline that bail in UAPA cases demands a higher threshold.

Referring to the defence reliance on the Supreme Court judgment in Tapas Kumar Palit v. State of Chhattisgarh, the bench said the precedent was not applicable since that case involved examination of only 42 out of 100 witnesses, whereas in the present matter 22 out of 25 witnesses had already been examined. In view of the evidence collected and the stage of trial, the court held that there was sufficient prima facie material indicating the accused's complicity in activities aimed at creating unrest in the country.

Accordingly, the bench dismissed the appeal and upheld the trial court's decision to keep the accused in custody. It clarified that the findings were limited to the adjudication of the bail plea and would not influence the trial's outcome. The court also directed the Registrar Judicial, Srinagar, to take corrective measures over procedural lapses in noting the delay in filing the appeal.

HC dismisses UT's appeal, slams gaps in probe of militant attack case

■ STATE TIMES NEWS

JAMMU: The High Court of Jammu & Kashmir and Ladakh has upheld the acquittal of Shabir Ahmed in the 2003 Bhaderwah militant attach case, rejecting the Union Territory administration's appeal and faulting the prosecution for relying on assumptions, delayed statements, and hearsay evidence.

A Division Bench of Justice Sanjeev Kumar and Justice Sanjay Parihar affirmed the 2011 judgment of the Additional Sessions Judge, Doda, which had acquitted Ahmed of charges under Sections 302/34 RPC and 7/27 Arms Act for the killing of village headman Mohd. Yousuf in village Gatha, Bhaderwah.

According to the prosecution, Ahmed, allegedly an active militant at the time, along with associates, lured Yousuf from his home on the pretext of fetching water and shot him dead. However, the High Court noted that the deceased's widow and daughters first implicated the accused nearly two months after the incident, offering no explanation for the delay.

The Bench found that their statements were not based on direct knowledge but on what they had allegedly been told by others. It observed that police initially treated the case as a generic militant killing, with no leads pointing to Ahmed until his surrender before the Army - and even then, no extra-judicial confession was recorded.

"The evidence, if any, against the respondent is on hearsay… the prosecution has proceeded to implicate the respondent on mere assumptions and presumptions, without any clinching evidence," the Court remarked, adding that such gaps in the investigation were fatal to the prosecution case.

With these findings, the appeal was dismissed, leaving the trial court's acquittal intact.

Counsel: AAG Raman Sharma with Saliqa Sheikh for the appellant; Masood Ahmed vice Ashwani Gupta for the respondent.

Justice after 31 Years: CAT orders chauffeur rank, quashes transfer, slaps Govt with back pay order

■ STATE TIMES NEWS

JAMMU: In a landmark ruling that brings closure to a three-decade-old service battle, the Central Administrative Tribunal (CAT) Jammu Bench has quashed the repatriation of Surinder Kumar, a driver with the J&K State AIDS Control Society (JKSACS), ordering his promotion to Chauffeur with retrospective effect from 2004 and directing release of all withheld salary along with arrears, interest, and allowances.

A Bench comprising Judicial Member Rajinder Singh Dogra and Administrative Member Ram Mohan Johri ruled that the unilateral relieving order issued on September 3, 2024, without approval from the parent department, was "ex facie without jurisdiction and authority." The Tribunal also termed the withholding of salary since January 2024 as "arbitrary, unjustified, and contrary to principles of natural justice."

Kumar, represented by Senior Advocate Abhinav Sharma assisted by Advocate Abhirash Sharma, had approached the Tribunal through two connected Original Applications and contempt petitions, challenging his exclusion from the seniority list, denial of promotion, non-payment of Dearness Allowance and increments, and repatriation to the Directorate of Health Services despite a 2007 Government order transferring his post permanently to JKSACS.

The respondents, represented by AAG Sudesh Magotra, claimed Kumar's initial 1994 appointment was purely on a stop-gap basis, that his service was never regularized, and that no permanent driver post exists in the Society. They also accused him of tampering with his appointment order - an allegation the Tribunal noted but left for determination by competent authorities, while making it clear that no employee could be deprived of salary without lawful disengagement.

Citing multiple Supreme Court precedents, the Bench directed that Kumar be promoted as Chauffeur in the ?9300-34800 + GP ?4240 pay scale from 2004, with all consequential and monetary benefits, arrears with 6% interest, and timely release of future salary. The order also warned that any delay in compliance could invite contempt proceedings.

Both connected contempt petitions over non-payment of salary during the case were closed as infructuous after the main relief was granted.

Govt cannot take advantage of own wrong, Says HC; orders benefits from 2,000

■ STATE TIMES NEWS

JAMMU: The High Court of Jammu & Kashmir and Ladakh has upheld a Central Administrative Tribunal (CAT) order directing the regularization of two women daily wagers in the Agriculture Department, making it clear that the Government cannot take advantage of its own delays and wrongful rejections.

A Division Bench of Justice Sanjeev Kumar and Justice Sanjay Parihar dismissed WP(C) No.1431/2025 filed by the UT administration against the CAT Jammu Bench's December 27, 2024 verdict in Baby Tickoo & Anr vs UT of J&K & Ors. The Tribunal had ordered the regularization of Baby Tickoo and Agnes under SRO 64 of 1994, with full benefits from the date of eligibility in 2000.

The two petitioners were engaged as daily rated workers in December and October 1992, completing seven years of continuous service by 2000. Despite repeated recommendations from the Directorate of Agriculture, their cases were turned down by the Empowered Committee and Screening Committee-without valid reasoning-even as similarly placed colleagues were regularized in 2017 and 2018.

The Court noted that the Directorate had condoned a one-month break in Baby Tickoo's service on account of pregnancy, but this was ignored by the authorities while rejecting her claim. Observing that both women had served for over three decades on meagre wages, the Bench said the administration's conduct was "wholly arbitrary and in violation of Articles 14 and 16 of the Constitution."

Holding that the delay in approaching the Tribunal was solely due to the Government keeping the workers under the impression that their cases were under active consideration, the Court said, "It is unfortunate that the respondents served for more than two decades without being regularized till superannuation. The administration cannot take advantage of its own wrong."

With the appeal dismissed, the Agriculture Department must regularize both women against Class-IV posts and release all consequential benefits, including arrears from 2000.

HC quashes PSA Detention

■ STATE TIMES NEWS

JAMMU: In a strong rebuke to the misuse of preventive laws, the High Court of Jammu & Kashmir and Ladakh on Thursday quashed the detention of a Pulwama resident under the Public Safety Act (PSA), terming it "unjustified" and lacking a legal foundation.

Justice Mohd. Yousuf Wani, while allowing HCP No. 103/2024, set aside the March 29, 2024 detention order issued by the District Magistrate, Srinagar, against Salman Riyaz Khan. The PSA action was based primarily on FIR No. 38/2023 registered at Police Station Nowhatta under the Unlawful Activities (Prevention) Act, 120-B, and 505-B of the IPC.

The court noted that Khan was arrested during a naka on October 16, 2023, remained in custody until the competent trial court granted him bail on February 10, 2024, and was immediately detained under the PSA without any fresh allegations of unlawful activity.

Observing that there was "no proximate or live link" between the alleged act of October 2023 and the preventive detention order issued nearly a year later, the court cited Supreme Court precedents to underline that preventive detention cannot be used as a substitute for regular criminal prosecution when the ordinary law is sufficient to deal with the situation.

The judgment also highlighted procedural lapses, including the non-supply of translated documents to the detainee and the absence of material enabling him to make an effective representation against his detention.

Directing Khan's immediate release from preventive custody - unless required in any other case - the court stressed that PSA powers must be exercised with "great care and caution" as they curtail a citizen's most fundamental right to personal liberty.

Trial Court erred in issuing summons, rules HC in high-value trucking dispute

■ STATE TIMES NEWS

JAMMU: The High Court of Jammu & Kashmir and Ladakh has quashed a summoning order issued by the Chief Judicial Magistrate (CJM) Kishtwar in an alleged cheating case involving over ?41 lakh, ruling that the trial court failed to apply its mind and follow statutory requirements before issuing process.

Justice Vinod Chatterji Koul, while allowing petition filed by Abdul Rashid Lone, held that the February 3, 2024 order passed by the CJM was unsustainable as it lacked any recorded satisfaction or reasons to show that a prima facie case had been established.

The complaint, filed by Bansi Lal Shan, Chairman of the Truck Owners Union Kishtwar, alleged that Lone had engaged about 40 trucks for Public Distribution System (PDS) ration transportation in 2021-22. Although JKRTC allegedly paid Lone ?61,37,394 for the work, Shan claimed he received only ?20 lakh, with the remaining ?41,37,394 wrongfully withheld on the pretext of "illegal commission." The complaint also accused Lone of threats and abuse.

Appearing for Lone, Advocate A.A. Hamal argued that the dispute was civil in nature, arising from contractual dealings, and that the trial court had acted mechanically by issuing summons without evaluating the complaint under the provisions of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. Advocate Satvik Gupta, vice Advocate Sandeep Gupta, represented the complainant.

Citing Section 210 BNSS and the Supreme Court's landmark judgment in Raghubans Dubey v. State of Bihar (1967), the High Court reiterated that courts must first take proper cognizance of the offence, not the offender, before issuing process, and that bypassing this step constitutes a jurisdictional error.

Setting aside the CJM's order, the High Court remanded the matter to the trial court for fresh examination of the complaint and a speaking order in accordance with law.

HC slams gaps in probe, confirms acquittal in massive NDPS haul

■ STATE TIMES NEWS

JAMMU: The High Court of Jammu & Kashmir and Ladakh has dismissed the Union Territory administration's appeal in a high-profile 2011 narcotics case, upholding the acquittal of two Mumbai residents in the recovery of 28.6 kilograms of charas from a vehicle intercepted at Jakhani Naka, Udhampur.

A Division Bench of Justice Sanjeev Kumar and Justice Sanjay Parihar affirmed the July 27, 2019 judgment of the Additional Sessions Judge, Udhampur, holding that the prosecution had "miserably failed" to prove conscious possession, an essential ingredient under the NDPS Act, and pointing to significant gaps in the investigation.

According to the prosecution, on November 3, 2011, police intercepted a Qualis vehicle (MH03Z-0852) and recovered 270 small balls of charas concealed under the seats. Two occupants allegedly fled, while driver Parkash Krishan Watkar and co-accused Maqsood Sardar Hussain were apprehended. The UT contended that the recovery was made in their presence, establishing their culpability.

However, the Bench observed that the driver had been engaged for a one-off trip to Srinagar and was not present when the contraband was allegedly loaded at Khanabal. There was no proof linking either accused to the specific seats or location where the charas was found, and crucially, no independent witnesses supported the recovery claim.

"It cannot be inferred that the respondents had knowledge of the charas loaded in the vehicle… Had they known, they too would have tried to flee like the absconding co-accused," the judgment noted. The Court also found contradictions in the prosecution case and defects in the chain of evidence, making the appeal unsustainable.

With this order, the trial court's acquittal of both respondents stands confirmed.

Permanent National flag post set-up at Slathia Chowk

Deputy Commissioner Udhampur Saloni Rai performing Pooja at National Flag post.

■ STATE TIMES NEWS

UDHAMPUR: In view of upcoming Independence day celebration, former municipal councilor and noted social worker Vikram Singh Slathia setup permanent National flag post at Slathia Chowk Udhampur today.

According to reports newly erected flag post more than 200 feet high was finally dedicated to town today. In this occasion Deputy Commissioner Udhampur Saloni Rai along with DIG Udhampur-Reasi range Sahar Rizvi performed traditional Pooja.

After reciting spritual mantra finally national flag was hoisted in the flag post by deputy commissioner amidst of prominent citizens and police and civil officials. In brief massage Rai said that this is first of its kind such flag high post especially for upcoming Independence day celebration.

She further added that flag post flying in open air that this busiest Chok of town decorated the city entry with massage of unity, peace and harmony as well. She wishes every one best wishes of coming independence day to all in one. Prominent who present were Addl SP Sandeep Bhat, Dy. SP HQ Praladh Sharma, Retd ACR Varinder Singh Slathia, Retd. deputy director planning Rajesh Jamwal, Rtd. Deputy director Ravi Kumar, Retd. CMO Dr. Yogeshwar Gupta, Pr. KV Vikram Sharma, Rajan Singh, Mohinder Singh Rana, Sham Saroop Kalsotra, Sunil Singh, JD Slathia, Rocky Sharma and many more.

DB says no right to re-employment; rejects need-based worker's petition

■ STATE TIMES NEWS

JAMMU: The High Court of Jammu & Kashmir and Ladakh has dismissed a writ petition filed by a former Need-Based Worker of the Public Works Department (R&B), holding that disengaged daily-rated staff have no vested right to re-employment and that belated claims are not maintainable in law.

A Division Bench of Chief Justice Arun Palli and Justice Rajnesh Oswal delivered the judgment in petition filed by Mushtaq Ahmad Bhat, son of Ghulam Mohammad Bhat, resident of Ussan Bangil Kwarhama, Baramulla. The petitioner, represented by Advocate Shabir Ahmad Najar, had challenged the order of the Central Administrative Tribunal (CAT) Srinagar Bench dated May 19, 2025, which had dismissed his plea (OA No.652/2025) seeking re-engagement in the department.

Bhat argued that although he was disengaged in 2020, he had made repeated representations for re-engagement, most recently on March 19, 2025, and that the authorities ought to have considered his request sympathetically. However, the Bench noted that he had not disclosed the exact date and month of his disengagement and that his petition had been filed nearly five years after the event.

The Division Bench endorsed the Tribunal's findings that the petition suffered from inordinate delay and that the petitioner failed to demonstrate any enforceable right to be re-employed. Observing that the writ was "bereft of merit," the Bench refused to interfere with the CAT's order and dismissed the petition.

The respondents - including the Union Territory Government, the Chief Engineer PWD (R&B) Kashmir, the Superintending Engineer Baramulla/ Kupwara Circle, and the Executive Engineer (R&B) Sub Division Magam - were unrepresented during the hearing. (JNF)

Tiranga rally held in Poonch amid heavy rains, showcasing patriotic zeal

■ STATE TIMES NEWS

POONCH: In a remarkable display of patriotism and unity, the District Administration Poonch organized a massive Tiranga rally today, which saw enthusiastic participation despite persistent heavy rainfall. The rally commenced from the historic Natu Auditorium and passed through various key locations including prominent markets and the main Bus Stand, before culminating at the Sports Stadium, Poonch. Braving the weather, hundreds of students, citizens, and officials joined the procession, proudly waving the national flag and raising patriotic slogans. Deputy Commissioner Poonch, Ashok Kumar Sharma, and Adl Senior Superintendent of Police, Mohan Sharma, Adl DC, ADV led the rally, accompanied by other senior officers of the district. Their presence added to the spirit of the event, as they actively interacted with the participants and encouraged them to uphold the values of unity and national pride. Addressing the media, Additional SP Mohan Sharma appreciated the overwhelming response and said, "In spite of heavy rains, the students participated in the rally with great enthusiasm, which clearly reflects their unwavering spirit and patriotism."

The event served as a prelude to Independence Day celebrations, reinforcing the message of national integration and collective pride.

Col Mahan pays tribute to martyrs, urges youth to serve nation

■ STATE TIMES NEWS

KATHUA: In a heartfelt tribute to the bravehearts of Kathua district, DDC Chairman Col Mahan Singh (Retd) undertook an extensive tour of the Pahari belt, including Basohli, Billawar, and Bani, honouring over two dozen families of fallen soldiers who laid down their lives in the service of the nation.

The Deputy Commissioner urged citizens, especially youth, to participate in Independence Day celebrations and to hoist the National Flag at their homes under the Har Ghar Tiranga campaign.

DDC Chairman Col Mahan Singh (Retd) and others during the tribute ceremony.

The DDC Chairman, accompanied by senior officials, veterans, and locals, visited the homes of martyrs, hoisted the Tricolour, and interacted with their families. Veer Naris were honoured for their strength and sacrifice, while floral tributes were offered at War Memorials in Nagrota and Mandla Chowk.

A large number of ex-servicemen, prominent residents, and youth gathered at both locations, where a strong spirit of patriotism and national pride was on display.

Speaking to media persons at Mandla, Col Mahan Singh said, "Kathua, especially its hilly regions of Basohli, Billawar, and Bani, has a glorious tradition of sending its youth to the Indian Army and security forces. This legacy of valour and commitment must continue, especially in these challenging times."

He urged the youth to come forward and serve the nation, stating, "The motherland needs its sons and daughters now more than ever. Let us carry forward the legacy of our martyrs by wearing the uniform with pride."

Col Singh also called upon every citizen to hoist the Tricolour at their homes and enthusiastically participate in Independence Day celebrations. "Flying the National Flag is a symbol of unity and pride. Let us all come together and reaffirm our commitment to the nation," he said.

The visit comes ahead of Independence Day and aims to reinforce national unity and honour the sacrifices made by the region's brave soldiers.