

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

Reserved on : 20.12.2022  
Pronounced on : 23.12.2022

Crl A(D) No. 70/2022

Abdul Aala Fazli .....Appellant(s)/Petitioner(s)

Through: Mr. Syed A. Mir, Advocate.

**Vs**

UT of J&K ..... Respondent(s)

Through: Mr. Rahul Shirma, Dy.A.G.

**Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE  
HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE**

**JUDGMENT**

**Per Puneet Gupta-J**

1. The appellant has filed appeal under Section 21 of the National Investigating Agency Act, 2008 against the order dated 26.11.2022 whereby the trial court has rejected the bail application of the accused against whom FIR bearing No. 01/2022 stands registered with Police Station, JIC/SIA, Jammu for offences under Sections 13/18 of UA(P) Act read with Sections 120-B, 121, 124 and 153-B IPC.
2. The objections to the appeal are filed by the respondent and are taken on record.
3. The learned counsel for the appellant during the course of arguments has restricted his plea for grant of bail for a period of one month in the present

appeal on the ground that the appellant has to complete his PhD thesis in Pharmaceutics. He has relied upon the certificate issued by P.G. Department of Pharmaceutical Sciences, University of Kashmir on 14.11.2022. As per the same the thesis is required to be submitted by 22<sup>nd</sup> of January, 2023 failing which the appellant shall forfeit every right to submit his PhD thesis. It is submitted that the appellant should not be deprived of his right to submit the thesis as it is his last chance to submit the same. In case the appellant is admitted to bail for a short tenure the same shall not cause any prejudice to the respondent in the trial.

4. Mr. Rahul Sharma, Dy.A.G has vehemently opposed the bail application on the ground of the serious offences in which the appellant has been booked. It is argued that the bail sought for by the appellant on the ground that he is required to submit his PhD thesis by 22.01.2023 does not entitle him to bail more so when there is nothing on the record to show that the appellant has already completed minimum of 4-6 months period for experimental data compilation as mentioned in the certificate. The respondent has shown the reluctance of providing necessary assistance to the appellant in the jail for pursuing the thesis.
5. The allegations leveled against the appellant do not persuade the court to grant bail as of now on the ground that he has to complete and submit his PhD thesis by 22.01.2023. However, keeping in view the fact that the appellant intends to pursue his PhD thesis the court directs the concerned jail authorities to provide the suitable assistance to the appellant for a

period of one month in this regard. As the respondent has pleaded that security aspect is also required to be taken care of while providing any assistance to the appellant, it is made clear that the authorities concerned shall be at liberty to take that aspect also into consideration.

6. The appeal stands disposed of.

**(Puneet Gupta)**  
**Judge**

**(Rajnish Oswal)**  
**Judge**

**Jammu**  
23.12.2022  
Pawan Chopra

Whether the order is speaking : Yes  
Whether the order is reportable : No

