



2026 INSC 611

NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. OF 2026
[ARISING OUT OF SLP (CRIMINAL) NO. 19036 of 2025]**

SHEIKH MEHMOOD ... APPELLANT

VS.

**UNION TERRITORY OF JAMMU AND
KASHMIR & ORS. ... RESPONDENTS**

WITH

**CRIMINAL APPEAL NO. OF 2026
[ARISING OUT OF SLP (CRIMINAL) NO. 20104 of 2025]**

RAVINDER KUMAR GUPTA ... APPELLANT

VS.

**UNION TERRITORY OF JAMMU AND
KASHMIR & ANR. ... RESPONDENTS**

WITH

**CRIMINAL APPEAL NO. OF 2026
[ARISING OUT OF SLP (CRIMINAL) NO. 20884 of 2025]**

PARSHOTAM SINGH & ORS. ... APPELLANTS

VS.

U.T. OF J&K & ORS. ... RESPONDENTS

ORDER

DIPANKAR DATTA, J.

1. Leave granted.
2. In the present batch of appeals, the appellants (total six in number), impugn rejection of their bail applications by the High Court of Jammu & Kashmir and Ladakh at Jammu¹ *vide* the common impugned order dated 4th November, 2025.
3. For brevity, the details of the respective bail applications filed before the High Court by each appellant are reproduced in a tabular form, hereunder:

Name of appellant	Accused Number	Bail application before HC
Lead Appeal—SLP (Crl.)19036 of 2025		
Sheikh Mehmood	Accused No.2	292 of 2024
Connected appeal—SLP (Crl.)20104 of 2025		
Ravinder Kumar Gupta	Accused No.4	4 of 2025
Connected Appeal—SLP (Crl.) 20884 of 2025		
Parshotam Singh	Accused No.1	1 of 2025
Suraj Singh	Accused No.7	1 of 2025
Vikas Singh	Accused No.10	1 of 2025
Sandeep Charak	Accused No.11	1 of 2025

4. On 30th April 2024, the complainant, Jagir Singh, filed a complaint at Police Station Gangyal, Jammu, alleging that several individuals attempted to dispossess his brother Balbir Singh from a parcel of land

¹ High Court

measuring 33 marlas in the Greater Kailash (Chowadi) area of Jammu for grabbing the same and in pursuance thereof, the accused persons (Parshottam, Ravinder, Rakshat, Sheikh Mehmood and others) along with their goons attacked the brother of the complainant and his son. This led to registration of an FIR bearing No. 39 of 2024 dated 30th April, 2024 with P.S. Gangyal under Sections 307, 323, 447 and 147 of the Indian Penal Code, 1860² against the aforesaid four named accused.

- 5.** Avtar Singh, the son of Balbir Singh, succumbed to the injuries suffered by him prompting the police to add Sections 302, 506 and 120B, IPC.
- 6.** All the appellants were arrested on 3rd May, 2024. During the course of investigation, a total of 12 accused were arrested.
- 7.** The chargesheet filed upon completion of investigation, *inter alia*, consists of an alleged CCTV recording of the incident, recordings of calls exchanged by and between the accused persons, and accounts of various eyewitnesses. The prosecution proposed to examine a total of 44 witnesses.
- 8.** On 28th November, 2025, a coordinate bench of this Court issued notice on the special leave petition of Sheikh Mehmood, followed by notice in the special leave petitions of the other accused on 19th December, 2025, giving rise to the lead appeal and the connected appeals, respectively.

² IPC

- 9.** *Vide* order dated 16th January, 2026, we requested the Sessions Court seized of the trial, viz. the 2nd Additional Sessions Judge, Jammu³, to fix two consecutive dates every week for recording of evidence of the eyewitnesses. It was also recorded that prayers of the appellants for release on bail would be considered, depending upon the progress made in regard to completion of cross-examination of all the eyewitnesses. Such direction was made since the trial was being unnecessarily protracted.
- 10.** The appeals were thereafter listed on 17th February, 2026, 20th February, 2026, and 6th April, 2026. *Vide* order dated 6th April, 2026, expressing our inclination to refuse the prayer for grant of bail, we encouraged the trial court to complete recording of cross examination of the eyewitnesses as early as possible, preferably by 25th May, 2026. On 27th May, 2026, upon hearing learned senior counsel/counsel appearing for the respective parties, we closed the hearing.
- 11.** Several notes have been tendered across the bar by learned counsel for the parties, which we propose to take into consideration.
- 12.** We were informed across the bar that out of the alleged 6 (six) eyewitnesses, recording of evidence of five of them is complete, whereas the sixth eyewitness has been dropped from the list of proposed witnesses.
- 13.** For completeness, the case of each accused is discussed hereinafter.

³ Trial Court

SHEIKH MEHMOOD

- 14.** After referring to various CDR/phone number of Sheikh Mehmood, it is alleged in the chargesheet that he along with other accused, hatched a conspiracy to plan the offence. After the incident, the call frequency amongst the accused persons reduced substantially. Balbir Singh (PW2) in his statement given under section 161 of the Code of Criminal Procedure, 1973⁴ stated that on 24th and 25th April, 2024, he along with the deceased, were going towards their home, Sheikh Mehmood along with 3 other individuals intercepted them in a vehicle (Innova) and threatened them saying, 'Sardara tenu ajy vi samaj nhi ayi hai tera elaj pkka krna pouna aur plot asan khali karan he krana haiasan nhi chordha'.
- 15.** It is apposite to note that the chargesheet contains no discussion about presence of Sheikh Mehmood at the scene of crime. Presently, Sheikh Mehmood is 73 years of age and as pleaded, is suffering from Crohn's disease, requiring specialized treatment and monitoring.
- 16.** Mr. Siddharth Luthra, learned senior counsel contended that none of the eyewitnesses have attributed any role to Sheikh Mehmood; his presence at the crime scene is not established through the CCTV footage; PW1 alleged presence of Sheikh Mehmood at the crime scene in the FIR, and PW2, alleged threats by Sheikh Mehmood on 24th and

⁴ CrPC

25th April, 2024; however, neither of the witnesses attributed a specific role to Sheikh Mehmood during their testimony before the trial court.

RAVINDER KUMAR GUPTA @ GOLA SHAH

- 17.** Similar to the allegations levelled against Sheikh Mehmood, Ravinder Kumar Gupta is alleged to have conspired to dispossess Balbir Singh (PW2), abetted the commission of the offence, and threatened the complainant. Ravinder Kumar Gupta is stated to be 71 years of age. According to the counter affidavit filed on behalf of the Union Territory of Jammu and Kashmir, he has 23 (twenty-three) antecedents, most of which pertain to offences of cheating and criminal intimidation. In rejoinder, Ravinder Kumar Gupta asserted that he has 22 antecedents, of which six cases are still under investigation and, among the remaining cases, he is facing trial in only three. It was further submitted that all other cases have either been closed, resulted in discharge, or ended in acquittal.
- 18.** The chargesheet alleges that Ravinder Kumar Gupta remained in continuous contact with the co-accused after referring to the call detail records (CDRs), which allegedly reflect frequent communication among the accused persons. The chargesheet records, *inter alia*, 115 calls between Ravinder Kumar Gupta and Sheikh Mehmood, 103 calls between Sharad Puri and Parshotam Singh, and 225 calls between Sachin Patiyal and Sharad Puri, with several calls having been exchanged on the date of the incident, i.e., 30th April 2024.

19. Mr. Sakal Bhushan, learned senior counsel, submitted that the statement of PW2, Balbir Singh, insofar as it attributes a role to Ravinder Kumar Gupta, has undergone material changes during the proceedings. It was pointed out that PW2 initially stated in a media interview that Gola Shah had handed an iron rod to Purushottam Singh. Thereafter, he altered his version and alleged that it was Gola Shah's son who had handed over the rod. Subsequently, he gave yet another version in his statement recorded under Section 164 CrPC. During cross-examination, PW2 allegedly introduced a further variation by stating that Gola Shah's son had handed the rod to Gola Shah. It was argued that these shifting versions were prompted by the CCTV footage, which contradicted his earlier allegations and compelled him to relocate the alleged role of Gola Shah and his son to areas beyond the coverage of the CCTV cameras. It was further submitted that PW2's testimony is inconsistent with the statement of PW1, who stated that Purushottam Singh himself picked up the iron rod from scrap material lying at the spot. Significantly, during cross-examination, PW2 admitted that neither Gola Shah nor his son entered the plot during the occurrence and that neither was visible in any of the videos of the incident allegedly in his possession. In these circumstances, it was submitted that having regard to the petitioner's advanced age, his incarceration since 03.05.2024, and the fact that the allegations against him are confined to conspiracy, he deserves to be enlarged on bail.

Parshotam Singh, Suraj Singh, Vikas Singh and Sandeep Charak

- 20.** Dr. Singhvi, learned senior counsel appeared for the aforesaid four appellants.
- 21.** While Suraj Singh is alleged to have joined the assault by using fists and blows, Vikas Singh, nephew of Suraj Singh, is alleged to have entered the plot later and provided "silent support" to the principal offender. Sandeep Charak, another nephew, is alleged to have assaulted the complainant and remained present at the spot in furtherance of the alleged conspiracy.
- 22.** It was submitted that Purshottam Singh has been portrayed as the principal accused who allegedly initiated the assault and attacked the deceased with a brick and thereafter with an iron pipe, apart from other alleged acts of assault attributed to him. Dr. Singhvi, however, contended that the CCTV footage demonstrates that it was in fact the deceased who picked up the iron pipe from the spot and attacked Purshottam Singh. According to the CCTV footage, there is no indication that Purshottam Singh picked up the iron rod or used it to attack the deceased.
- 23.** It was further submitted that PW2 resiled from his earlier statement alleging conspiracy and threats by Purshottam Singh, and admitted that he had not met Purshottam Singh prior to the date of the incident. Insofar as the other three accused are concerned, it was pointed out that PW2 had never made any such allegations against them in the

first place. Additionally, PW8, an eyewitness, denied having any knowledge of an assault upon the deceased.

- 24.** At the same time, reference was made to the chief examination of PW8, Surinder Singh, wherein he stated that while the deceased was recording a video on his mobile phone, the wife of Purshottam Singh attempted to snatch the phone. According to PW8, when the deceased bent down to pick up the phone after it had fallen to the ground, Purshottam Singh struck him with a brick.
- 25.** It was also submitted that the High Court failed to appreciate that PW1, in his initial complaint, did not attribute any role to Purshottam Singh. Such allegations surfaced only subsequently in PW1's statement recorded under Section 164 CrPC, thirteen days after the complaint. It was argued that by disregarding the CCTV footage and relying solely upon the statements of PW1 and PW2, the High Court erroneously concluded that Purshottam Singh inflicted the first blow.
- 26.** Referring specifically to the cross-examination of PW1, it was submitted that PW1 refused to identify the deceased in the CCTV footage despite allegedly standing next to him at the relevant time. It was further contended that the High Court failed to discuss or analyze the role attributed to the remaining three accused.
- 27.** In the alternative, it was submitted that even assuming, for the sake of argument, that all the allegations against the accused are accepted as true, the facts would not disclose the requisite intention to commit murder so as to attract Section 302, IPC. According to the appellants,

the incident arose out of a sudden and spontaneous quarrel and, therefore, the offence of murder was not made out.

RESPONDENTS' VERSIONS

- 28.** *Per contra*, Mr. Parth Awasthi and Mr. Karman Singh Johal, learned counsel for the respondent-State and the respondent-complainant, respectively, opposed the prayers for bail tooth and nail. According to them, there is sufficient evidence on record that all the appellants were involved in one way or the other in the crime that took away the life of the complainant's nephew. Although evidence of all the eyewitnesses has been recorded, multiple witnesses of fact are yet to be examined and keeping in view the influence that the appellants wield in the society as well as on the police administration, there is every likelihood of the course of justice being deflected. They have, thus, prayed for dismissal of the appeals.

Analysis

- 29.** At the outset, we record our appreciation for the learned Sessions Judge who has painstakingly ensured recording of the evidence of all the eyewitnesses.
- 30.** Turning to the merits of the appellants' claims, we need to be cautious not to make any observation which could have an effect on the trial and the ultimate decision.
- 31.** Evidence on record before the Sessions Court till now has been noticed by us. "Bail is the rule and jail is an exception", although is a cardinal

principle of bail jurisprudence in India, it is not an absolute rule. The rule is sort of a guiding principle that should be kept in mind along with the facts of each case and statutory restrictions, if any, while considering a prayer for bail. In relation to offences such as the one under consideration, murder and conspiracy are serious offences. Section 437(1) of the CrPC bars grant of bail if reasonable grounds exist that the accused has committed an offence which is punishable with either death or life imprisonment. The cardinal rule has to be balanced with factors like *prima facie* case, gravity of offence, nature of evidence, antecedents, differentiation of roles, parity, delay in conclusion of trial, age of the accused, medical grounds, etc. However, bail could be declined if the offence is heinous and premeditated, there is grave apprehension of the witnesses being influenced or the evidence being tampered, a possibility of the accused absconding should he be granted bail and thereby evading trial, etc.

- 32.** In the light of all these factors and viewed in the light of the evidence on record, we are of the *prima facie* opinion, at least at this stage, that it is not a case of (i) no overt act of homicidal death, (ii) no records being available to link such death with the conspiracy and (iii) no shared intention.
- 33.** For the reasons aforesaid, rejection of the prayers for bail of the appealing accused should follow as a matter of course.
- 34.** Be that as it may, two of the appellants – Sheikh Mehmood and Ravinder Kumar Gupta - are septuagenarians; one of them has been

in poor health requiring regular medical care while the evidence *qua* the other, to a certain extent, is prevaricating and inconsistent. Bearing in mind the advanced age of such appellants, their claims call for a different treatment.

- 35.** We, thus, direct that Sheikh Mehmood and Ravinder Kumar Gupta may be released on bail subject to furnishing of bail bonds to the satisfaction of the trial court and also subject to such terms and conditions that are imposed by it to facilitate unhindered trial.
- 36.** Needless to observe, Sheikh Mehmood and Ravinder Kumar Gupta shall not, directly or indirectly, by making inducement, threat or promise, dissuade any person acquainted with the facts of the case from disclosing such facts to the court.
- 37.** In the event there is any breach of the terms and conditions for grant of bail, the trial court shall be at liberty to cancel the bail of Sheikh Mehmood and Ravinder Kumar Gupta.
- 38.** It is also ordered that Sheikh Mehmood and Ravinder Kumar Gupta shall diligently attend proceedings of the trial, unless exempted. If they abstain from attending the proceedings without justifiable cause, that could also be seen as breach of the conditions for grant of bail and the trial court will be free to pass appropriate orders.
- 39.** We clarify that the observations made in this order are only for the purpose of consideration of these appeals and grant/non-grant of bail will not be treated as findings on the merits of the case.

- 40.** Insofar as the other appellants - Parshottam Singh, Suraj Singh, Vikas Singh and Sandeep Charak - are concerned, we reject their prayers at this stage.
- 41.** The learned Sessions Judge is encouraged to expedite the trial by rescheduling, in his discretion, the dates of witness examination so that every endeavour can be made to complete recording of evidence of all the prosecution witnesses by the end of March, 2027, whereafter Parshottam Singh, Suraj Singh, Vikas Singh and Sandeep Charak may renew their prayer for bail before the relevant court.
- 42.** All the appeals stand disposed of on the aforesaid terms.
- 43.** Connected applications, if pending, shall also stand disposed of.

.....**J.**
(DIPANKAR DATTA)

.....**J.**
(SATISH CHANDRA SHARMA)

NEW DELHI;
JUNE 01, 2026.