

ITEM NO.304

COURT NO.14

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Criminal) No(s). 66/2024

GHULAM MOHAMMAD BHAT

Petitioner(s)

VERSUS

UNION TERRITORY OF JAMMU AND KASHMIR & ORS.

Respondent(s)

[TO BE TAKEN UP AT 3.00 P.M.]

IA No. 184268/2025 - APPLICATION FOR PERMISSION

IA No. 65009/2025 - APPLICATION FOR PERMISSION

IA No. 41174/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

IA No. 30150/2024 - PERMISSION TO FILE LENGTHY LIST OF DATES

Date : 11-11-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.
Ms. Mugdha, Adv.
Mr. Kamran Khwaja, Adv.
Mr. Satya Mitra, AOR

For Respondent(s) Mr. K.M.Nataraj, A.S.G.
Mr. Pashupathi Nath Razdan, AOR
Ms. Maitreyee Jagat Joshi, Adv.
Mr. Astik Gupta, Adv.
Ms. Akanksha Tomar, Adv.
Mr. Rahul, Adv.

UPON hearing the counsel the Court made the following

O R D E R

At the outset, learned senior counsel for the petitioner submits that, in view of the statements made by the respondents in their additional counter affidavit, he would be required to file a response thereto.

2. At this juncture, we also take note of the fact that learned senior counsel for the petitioner had sought an amendment to challenge the remission policy of the State Government, under which

the petitioner has been held to be ineligible. The said amendment has been allowed vide order dated 25.08.2025.

3. Therefore, the matter would require consideration on the question as to whether the policy of the State Government, containing a stipulation rendering unsuitable persons, who are alleged to be the perpetrators of terror acts, ineligible for benefits under the remission policy of the State Government is sustainable. The said issue is already under adjudication before a Coordinate Bench of this Court.

4. Another application, i.e., I.A.No.184268/2025, has been filed seeking tagging of the present petition with the batch of cases wherein a challenge has been made to Rule 54(1) of the J & K Jail Manual and the policy relating to remission/premature release, which are presently under consideration before this Court. We are inclined to allow the said prayer.

5. Accordingly, the present matter be tagged with SLP(Criminal) No. 1744 of 2025 and SLP(Criminal) Nos. 4434-4435 of 2025 (Nazir Ahmed Sheikh Vs. Union Territory of Jammu and Kashmir & Anr. and Aashiq Hussain Factoo Vs. Union Territory of Jammu and Kashmir & Ors.).

6. We record that stand of learned Senior Counsel for the petitioner that the present case would not fall within the mischief of a 'terrorist act' as contemplated under the remission policy of the State Government. However, this position is disputed by the learned Additional Solicitor General appearing for the respondents.

(VARSHA MENDIRATTA)
COURT MASTER (SH)

(ANJALI PANWAR)
ASSISTANT REGISTRAR

