

JAMMU AND KASHMIR OFFICIAL GAZETTE

PART I—B

Jammu and Kashmir Government—Notifications.

ôôôó

GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ HOME DEPARTMENT, J&K.

Notification

Jammu, the 22nd December, 2022.

SO-713.66Whereas, on 23-01-2022, a reliable information was received by the Police Station, D. H. Pora, to the effect that some unknown terrorists equipped with illegal arms/ammunition fired upon a person namely Satish Singh S/o Surinder Singh R/o Kakran, at his residential house, resulting in injuries to him, who was shifted to hospital for treatment. The unknown terrorists after the commission of crime escaped from the spot; and

- 2. Whereas, based on the above, a Case FIR No. 26/2022 under Section 307 IPC, 7/27 Arms Act, and Sections 13, 16, 20 of ULA (P) Act, was registered in the Police Station, D. H. Pora, and the investigation of the case was set into motion. During investigation, the injured person viz. Satish Singh, succumbed to his injuries. Subsequently, the Section 307 IPC was dropped and the Sections 302 IPC, 7/25 Arms Act, 3/4 ESA and 18, 23, 38 and 39 of ULA (P) Act, were added in the case; and
- 3. Whereas, during the investigation, the site plan of place of the occurrence and the seizure memos were prepared and the statement of witnesses acquainted with the facts and circumstances of the case were recorded under the relevant provisions of law; and
- 4. Whereas, during the investigation, four terrorists of HM/LeT banned outfit identified as Arjumand Gulzar Dar @ Hamza Burhan S/o Gulzar Ahmad Dar R/o Khurbatpora, Ratnipora, Pulwama, Bilal Ahmad Bhat S/o Ghulam Rasool Bhat, Sameer Ahmad Sheikh @ Kamran S/o Farooq Ahmad Sheikh Rs/o Check Chulana, Shopian and Shahbaz Nisar Shah S/o Nisar Ahmad Shah R/o Daderkote, were found involved in the commission of crime; and
- 5. Whereas, during the investigation, three other persons namely Shakoor Ahmad Gungwroo S/o Ghulam Hassan Gungwroo, Tajamul Islam Lorie S/o Ali Mohammad Lone Rs/o Bumbrath, Kulgam and Zubair Ahmad Beigh S/o Manzoor Ahmad Beigh R/o Mohipora, were also found involved in the commission of crime. Subsequently, the accused were arrested in the case and during investigation, 01 AK-47 Magazine, 30 Rounds, 01 Pistol Magazine, 12 Rounds and 01 Hand Grenade were recovered at the instances of above three accused respectively; and
- 6. Whereas, during the investigation, it was established that the accused namely Arjumand Gulzar Dar @ Hamza Burhan, Bilal Ahmad Bhat, Sameer Ahmad Sheikh @ Kamran and Shahbaz Nisar Shah, were members of HM/LeT banned outfit and the accused viz. Shakoor Ahmad Gungwroo, Tajamul Islam Lone and Zubair Ahmad Beigh, were working as Over Ground Workers (OGWs) for the said terrorists and under a well knit criminal conspiracy were providing logistic support to them and on the date of occurrence facilitated the terrorists to carry out the attack upon the deceased viz. Satish Singh, besides, procured arms/ammunition from the said terrorists for carrying out the terrorist activities in the area; and

- 7. Whereas, the accused terrorist namely, Shahbaz Nisar Shah, has been killed in an encounter with the Security Forces and the proceedings under the law would abate against him; and
- 8. Whereas, on the basis of the investigation, the statement of witnesses recorded and other evidence collected, the Investigating Officer, has established a *prima facie* involvement of the below mentioned accused for the commission of offences punishable under sections of the Unlawful Activities (Prevention) Act, 1967, as shown against their name :ô
- S. Name of the accused Offence No.

- 1. Arjumand GuIzar Dar @ Hamza Burhan S/o GuIzar Ahmad Dar R/o Khurbatpora, of ULA (P) Act. Ratnipora, Pulwama.
- 2. Bilal Ahmad Bhat S/o Ghulam Rasool Bhat R/o Check Chulana, Shopian.
- Sameer Ahmad Sheikh @ Kamran S/o Farooq Ahmad Sheikh R/o Check Chulana, Shopian.
- 4. Shakoor Ahmad Gungwroo S/o Ghulam
 Hassan Gungwroo R/o Bumbrath,
 Kulgarn.

 13, 18, 23, 39
 of ULA (P) Act.
- 5. Tajamul Islam Lone S/o Ali Mohammad Lone R/o Bumbrath, Kulgam.
- 6. Zubair Ahmad Beigh S/o Manzoor Ahmad Beigh R/o Mohipora.
- 9. Whereas, the accused viz. Arjumand Gulzar Dar @ Hamza Burhan, Bilal Ahmad Bhat and Sameer Ahmad Sheikh @ Kamran, being the active terrorists are absconding and the proceedings under Section 299 Cr. PC have been proposed to be initiated against them; and
- 10. Whereas, during the investigation, the accused namely Zubair Ahmad Beigh, has been found juvenile and in view of Section 1(4) of Juvenile Justice (Care and Protection of Children) Act, 2015, the apprehension, detention, prosecution, penalty or imprisonment shall be governed by the said Act; and

- 11. Whereas, the Authority, appointed by the Government under Sub-Section (2) of Section 45 of the Unlawful Activities (Prevention) Act, 1967, has independently examined the Case Diary File and all the other relevant documents relating to the case and has come to the conclusion that a *prima facie* case is made out against the above accused; and
- 12. Whereas, after perusing the Case Diary File, the relevant documents and also taking into consideration the views of the Authority appointed under Sub-Section (2) of Section 45 of the Unlawful Activities (Prevention) Act, 1967, the Government is of the view that there is sufficient material and evidence available against the above-mentioned accused for their prosecution under the provisions of law.

Now, therefore, in exercise of the powers conferred by Sub-Section (2) of Section 45 of the Unlawful Activities (Prevention) Act, 1967, the Government hereby accord sanction for launching prosecution against the accused viz. Arjumand Guizar Dar @ Hamza Burhan, Bilal Ahmad Bhat, Sameer Ahmad Sheikh @ Kamran, Shakoor Ahmad Gungwroo and Tajarnul Islam Lone, for the commission of offences punishable under the relevant Sections of ULA (P) Act, as indicated against the each accused at Para (8) above, arising out of FIR No. 26/2022 of Police Station, D. H. Pora.

By order of the Government of Jammu and Kashmir.

(Sd.) R. K. GOYAL, IAS,

Financial Commissioner/ Additional Chief Secretary.