

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

***Bail App. No. 38/2025***

**Reserved on: 03.12.2025**

**Pronounced on: 08.12.2025**

**Uploaded on: 10.12.2025**

*Whether the operative part or full  
judgment is pronounced-**Full Judgment***

**Allayee Faizan**

...Petitioner(s)

Through: Mr. Shabir Ahmad Najar, Advocate.

**Vs.**

**UT of J&K & Ors.**

...Respondent(s)

Through: Ms. Noubahar Khan, Assisting counsel vice  
Mr. Bikramdeep Singh, Dy.AG.

**CORAM: HON'BLE MR. JUSTICE M. A. CHOWDHARY, JUDGE**

**JUDGMENT**

- 01.** Instant application has been filed by the petitioner seeking bail in anticipation of his arrest by the respondents in a case registered as FIR No.04/2025 by the Police Station, Beerwah, Budgam on a complaint filed by one Mohammad Shafi Bhat, for the commission of offences punishable under Sections 420 and 506 IPC.
- 02.** The petitioner has pleaded in his bail application that he has been falsely implicated in the case when the fact of the matter is that one Mohammad Shafeeq Sheikh (main accused) S/O Ghulam Nabi Sheikh R/O Najan, Beerwah has carried out an act of cheating punishable

under Section 420 IPC, upon the complainant Mohammad Shafi Bhat by promising government employment to his unemployed son and in this regard procured an amount of Rs. 5,90,000/- (Five lacs ninety thousand) from the complainant; that the petitioner came to approach the court of learned Principal Sessions Judge, Budgam seeking pre-arrest bail, and the said court, in terms of the order dated 08.03.2025, after considering the matter, was pleased to admit the petitioner to bail provided he is not involved in any case which is punishable with the imprisonment exceeding the term of seven years or more.

- 03.** It is further pleaded that the petitioner apprehends that the police is bent upon to arrest him, which got confirmation by reference to the fact, that the police had added offences under Sections 467, 468, 471, 120-B to the two offences under Sections 420 and 506 IPC and that some of the said offences carry punishment of more than seven years imprisonment and, therefore, exposing the petitioner to suffer an inevitable arrest at the hands of the police.
- 04.** Objections have been filed by the respondents on 10.07.2025, wherein it has been asserted that on 05-01-2025 the Police Station, Beerwah received a written complaint from a complainant namely Mohammad Shafi Bhat S/O Ab. Khaliq Bhat R/O Pati Sail Beerwah,

stating therein that in the month of February, 2024, one Mohammad Shafeeq Sheikh S/O Gh. Nabi Sheikh R/O Najan Beerwah visited the house of the complainant and taken an amount of Rs. 5,90,000/-, Rs. 8,55,000/- in cash and Rs. 2,65,000/- was transferred/credited into the bank account of alleged accused) from the complainant on the plea that he will provide government job to the son of the complainant, but failed to provide the same due to which complainant asked the said Mohammad Shafeeq Sheikh to return the said amount, upon which the alleged accused threatened the complainant of dire consequences and thereby grabbed the above-mentioned amount of complainant fraudulently; that, on receipt of this complaint a case under Sections 420, 506 IPC was registered and investigation was set into motion.

- 05.** Respondents further plead that, during the course of investigation and while visiting the spot, site plan was prepared and statement of witnesses were recorded under Section 161 CrPc; that, the Police seized the fake "appointment orders" issued in favour of some persons which include the complainant's son namely Aashiq Husain Bhat S/O Mohammad Shafi Bhat R/O Pati-Sail; that, as per the statements and evidence so collected, in addition to offences under Sections 420, 506 IPC, the

offences under Sections 467, 468, 471 IPC were added and stand established against the accused namely Shafiq Ahmad Sheikh S/O Ghulam Nabi Sheikh R/O Najan; that, on 06.01.2025 Shafiq Ahmad Sheikh, the main accused was arrested in the instant case and was accordingly questioned. That, as per the disclosure of the main accused person, involvement of the other accused persons including petitioner herein-Allayee Faizan was found in the instant case.

**06.** Heard and considered the submissions made by learned counsel for both the sides.

**07.** Learned counsel for the petitioner vehemently argued that the acts of omission and commission of the respondents especially respondent No.5-SHO, Police Station, Beerwah, is unconstitutional and unsustainable before the eyes of law. Learned counsel, during the course of arguments, alleged that the respondent No.5-SHO, P/S Beerwah is misusing his power and position and is unnecessarily harassing the petitioner herein. His further argument is that the petitioner herein is a businessman by profession besides a law abiding citizen and is not involved in any actions which may be subversive to law and nation. He further pleaded that the main accused in the instant case was arrested by the respondent No.5, who subsequently approached the learned trial court for

grant of bail and the learned trial court was pleased to enlarge him on bail. Learned counsel further contends that the respondent No.5-SHO, P/S Beerwah submitted the police report before the learned trial court, wherein he, without any cause and justification has mentioned the name of the petitioner herein with some *malafide* intentions.

- 08.** Learned counsel for the petitioner submits that the complainant and the petitioner herein are not having any transaction or nexus with regard to the allegations made in the FIR (supra). Learned counsel further argued that the petitioner in the first instance approached the court of learned Principal Sessions Judge, Budgam for grant of anticipatory bail, and the said court in terms of the order dated 08.03.2025 was pleased to grant bail in favour of the petitioner herein but the agony of the petitioner is that the respondent No.5-SHO, P/S Beerwah has denied to entertain the said anticipatory bail. Learned counsel further submits that the petitioner filed an application for withdrawal of the said anticipatory bail application, which application was allowed by the court of learned Principal Sessions Judge, Budgam vide its order dated 13.03.2025, paving way to the petitioner to approach this Court, hence the instant application.

- 09.** Learned counsel for the respondents argued that vide order dated 17.03.2025, the petitioner herein was granted anticipatory bail by this Court; that, the investigation of the said case is still going on; that, during the course of investigation, it was found that the petitioner herein doesn't cooperate with the investigating agency as per the conditions of his anticipatory bail. Finally, it is prayed that the anticipatory bail already granted in favour of the petitioner herein be cancelled so that he may be arrested in the instant case.
- 10.** Learned counsel for both the parties submit that the investigation in the case has been concluded and the charge-sheet stands already laid before the learned trial court. They further submit that the main accused in the instant case has already been admitted to bail by the learned trial court.
- 11.** In a case where the petitioner seeks anticipatory bail before arrest and the investigation is admittedly complete with the charge-sheet already filed before the trial court, the petitioner is no longer required by the investigating agency for further investigation. The main accused in the case has already been granted bail by the trial court. The charge-sheet has been laid for the commission of pre-offences punishable under Sections 420, 506, 467, 468, 471 and 120-B. Having regard to

the nature of the alleged offences, the gravity of the punishment prescribed therefor and the facts and circumstances of the case, in the considered opinion of this Court, the petitioner is entitled to be admitted to bail.

**12.** Having regard to the fact that the Investigating Agency has not brought anything adverse from which it can be deduced that the concession of bail granted on 17.03.2025 by this Court in favour of the petitioner herein has been misused or otherwise same requires to be withdrawn. Accordingly, interim bail in anticipation of arrest of the petitioner granted on 17.03.2025, is **made absolute** subject to the conditions to the satisfaction of the trial court.

**13.** Bail Application is **disposed of** accordingly.

( M.A. CHOWDHARY )  
JUDGE

Srinagar  
08.12.2025  
Muzammil. Q

*Whether the judgment/order is reportable: Yes / No*