

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

Bail App No.08/2026

Date of pronouncement: 06.02.2026

Date of uploading: .02 .2026

**Naasir Hussain Shah, Age 44 years
S/o Bashir Hussain Shah
R/o Ward No.2, Sanai, Tehsil
Surankote, District Poonch.**

.....Petitioner/Appellant(s)

Through: Mr. Vikram Sharma, Sr. Advocate with
Mr. S. Sanpreet Singh, Advocate.

Vs

**01. UT of J&K through SHO, Police Station Surankot,
Poonch.**

**02. Mohd. Qasim S/o Munir Hussain
R/o Seri Khawaja, Haveli, Poonch.**

...Respondent(s)

Through: Mr. Bhanu Jasrotia, GA vice
Mr. Eishaan Dadhichi, GA.

CORAM: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

**ORDER
06.02.2026 (ORAL)**

- 01.** Petitioner has preferred this petition, for his enlargement on bail, in anticipation of arrest, in FIR No.0002/2026, registered with Police Station Surankot, Poonch, for the alleged commission of offences under Sections 318(4), 336(3), 340(2), 351(2), 338 BNS, primarily on the ground of false implication and that the complainant-respondent No.2, at whose instance, impugned FIR came to be lodged, has withdrawn the complaint by way of a communication addressed to the concerned Bank.
- 02.** Factual matrix of the prosecution case is that respondent No.2 Mohd. Qasim lodged a written complaint with the Police Station alleging *inter alia* that his personal documents had been fraudulently misused by the petitioner as guarantor documents for a loan amounting to Rs.28,26,000/-

without his consent or authorization. He came to know about this fraud only when his account came to be frozen. When he obtained the loan documents from the accused/petitioner, he came to know that his signatures on guarantee papers had been forged and his identity had been fraudulently misused.

- 03.** Petitioner approached for a similar relief in the Court of learned Additional Sessions Judge, Poonch, whereby he was admitted to bail provided he is not involved in any offence punishable with death or life imprisonment or imprisonment exceeding 07 years.
- 04.** Petitioner has approached this Court, primarily on the ground that offence under Section 338 BNS is punishable with imprisonment for life or 10 years and that complainant has already undertaken to withdraw his complaint in his communication to the petitioner-Branch Manager, J&K Bank, with formal apology. Copy of said communication has been placed on record.
- 05.** It is cardinal principle of criminal jurisprudence that an accused is presumed to be innocent until his guilt is proved. Since none of the offences with which petitioner has been charged is punishable with death or life imprisonment, present petition is allowed and it is directed that petitioner, in the event of his arrest, shall be released on bail subject to furnishing of surety bond in the amount of Rs.1.00 lac to the satisfaction of learned trial Court and a bond of personal recognizance of like amount, subject to the following terms and conditions that;
 - i) he is not involved in any other offence of like nature;
 - ii) he shall not jump over bail and make an attempt to tamper the prosecution evidence or coerce the witnesses;
 - iii) he shall not leave territorial jurisdiction of the trial Court without prior permission; and

iv) he shall cooperate with the investigating agency, as and when required.

06. Disposed of.

(Rajesh Sekhri)
Judge

Jammu
06.02.2026
Eva

Whether the order is speaking or not?	Yes/No
Whether the order is reportable or not?	Yes/No