

Regular List
Serial No. 02

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

Pronounced on : 14.08.2026
Uploaded on : 14.08.2026

Bail App. No. 130/2026

**Abdul Gafoor, aged 55 years,
S/O Sh. Abdul Latief,
R/O Village Nakka Manjhari,
Tehsil Mendhar, District Poonch**

.....Petitioner

Through: Mr. Umar Shakeel, Advocate

Vs

**UT of J&K,
SHO, Police Station, Kalakote**

.....Respondent

Through: Mr. Bhanu Jasortia, GA

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE
ORDER
(14.08.2026)

01. Petitioner, through the medium of this bail application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, seeks grant of bail in anticipation of his arrest in a case registered vide FIR No. 42/2022 dated 28.05.2022 at Police Station Kalakote for the commission of offence punishable under Section 420 Indian Penal Code (IPC), asserting that he has been falsely implicated in the case and that he had earlier approached the court of learned Additional Sessions Judge, Rajouri who, vide order dated 04.06.2026, was pleased to reject

his application, on frivolous grounds, mainly that he had not joined the investigation.

- 02.** Learned counsel appearing for the petitioner submits that the case was registered way back in the year 2022 and the petitioner had attended the investigation as and when called, as such, he is entitled to be admitted to bail in this case, in anticipation of his arrest.
- 03.** Pursuant to the notice, respondent has filed the objections asserting therein that the petitioner had induced one Zulqarnain, resident of village Dayala, Tehsil Kalakote, District Rajouri, on the false pretext of securing employment for him in the Military Engineering Services (MES) and dishonestly obtained a sum of Rs. 4,50,000/- from him during the year 2017; that a case stands registered vide FIR No. 42/2022 for the commission of offences punishable under Section 420 IPC at Police Station, Kalakote, District Rajouri ; that during the course of investigation, verification of the appointment orders was sought from the Military Engineering Services Headquarters, Srinagar whose Commanding Officer informed the Investigating Officer that the appointment orders produced by the complainant had never been issued by his office and appeared to be forged and fabricated ; that the petitioner has been serving in the Armed Police and presently posted at Srinagar and have appeared before the concerned Police Station on 09.07.2026 and produced the interim order of bail dated 03.07.2026 passed by this Court ; that during the further investigation, bank records from J&K Bank, Kalakote, was obtained which reveals that an amount of

Rs. 2,50,000/- was transferred by the complainant to the bank account of the accused and the complainant further stated that an additional amount of Rs. 6,50,000/- was paid to the accused in cash, as such, complainant had been cheated and an amount of Rs. 9,00,000/- was induced from him.

04. Learned counsel for the petitioner submits that the petitioner has cooperated with the Investigating Agency and the investigation of the case is almost complete, as such, custody of the petitioner is not required by the Police and prays that order dated 03.07.2026 passed by this Court granting interim bail to the petitioner, be made absolute.

05. Learned counsel appearing for the respondent submits that, during the course of investigation, it has been established that the petitioner, while serving in the Belt Force, cheated an innocent person of an amount of Rs. 9,00,000/- by promising to secure a job for him in the MES and, in furtherance thereof, supplied a forged appointment order. It is submitted that the allegations against the petitioner disclose the commission of a serious offence and, therefore, the petitioner is not entitled to be admitted to bail.

06. The offence under Section 420 of the Indian Penal Code is punishable with imprisonment of either description for a term which may extend to seven years, and with fine.

07. In the considered opinion of this Court, this case is primarily based on documentary evidence of bank transactions by the complainant to the

accused and the statement of witnesses have also been recorded. There is no plea with regard to contravention of any of the conditions by the petitioner as accused, imposed by this Court vide granting interim bail to him.

08. Viewed thus, this Court is of the considered opinion, that the petitioner is entitled to bail and accordingly, the interim bail granted to the petitioner by this Court vide **order dated 03.07.2026, is made absolute.**

09. The present bail application is, accordingly, ***disposed of.***

JAMMU
14.08.2026
SUNIL

