

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

Bail App 43/2026

UMAR JAN BEIGH

...Petitioner/Appellant(s)

Through: Mr. Basir Ul Haq, Advocate

Vs.

**UNION TERRITORY THROUGH
POLICE STATION ANANTNAG**

...Respondent(s)

Through: Mr. Ilyas A Laway, GA

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
04.05.2026

1. Having heard learned counsel for both sides at length and perused the case diary, it emerges that the petitioner has joined the investigation pursuant to order dated 28.04.2026 and has duly responded to the questionnaire served by the Investigating Officer. However, the prosecution submits that further custodial interrogation of the petitioner is required in light of incriminating material that has surfaced during the course of investigation. It is contended that mere participation in the investigation does not obviate the need for further inquiry, particularly when disclosures made by co-accused Tasaduq Hussain Dar, coupled with bank transactions, allegedly indicate the petitioner's involvement in an organized criminal syndicate engaged in unlawful activities, including suspicious financial transfers amounting to Rs. 25 lakhs to the petitioner and another co-accused, Majid Salam

Bhat. It is further alleged that 32 agreements/affidavits recovered from the residence of co-accused Tasaduq Hussain Dar reveal a nexus between the petitioner and co-accused persons, suggesting coordinated involvement in illegal activities.

2. On the other hand, learned counsel for the petitioner contends that similarly placed co-accused, namely Majid Salam Bhat, has already been granted interim protection by a coordinate Bench vide order dated 07.04.2026, and that proceedings in the chargesheet against another co-accused, Majeed Ahmad Koka, have been stayed by order dated 27.04.2026 in CrIM No. 557/2026. The prosecution case originates from a complaint filed by Tilak Raj, alleging that he entered into an agreement in September 2024 with the co-accused for the purchase of garlic and herbal material and paid substantial sums, including an additional Rs. 56 lakhs, but neither received the goods nor a refund. Consequently, FIR No. 126/2025 was registered under Sections 318(4), 351(2) BNSS, and subsequently Section 111 BNS was added. Investigation revealed that the money was allegedly distributed among the accused, with some portion transferred to the petitioner's account.
3. It is further alleged that upon arrest of Tasaduq Hussain Dar, multiple documents were seized in which the petitioner appeared as a witness or identifier, leading to the inference that he was part of an organized scheme to defraud individuals. However, the petitioner maintains that all transactions reflected in his bank account have been duly explained and are legitimate, with detailed responses already furnished to the Investigating Officer. It is argued that the petitioner has been

implicated solely on account of financial transactions with co-accused persons, which have been transparently accounted for and span the period from 29.10.2020 to 15.06.2024.

4. It is also noted that while the chargesheet has been filed against certain co-accused, further investigation against the petitioner is ongoing. The petitioner has cooperated fully with the investigation and continues to do so. Considering that a similarly situated co-accused has been granted interim protection, and another has secured a stay on proceedings, the principle of parity weighs in favour of the petitioner.

Although the allegations are serious, the material presently available primarily indicates financial transactions, which the petitioner claims to have lawfully explained. Moreover, the petitioner is not a signatory to the agreement of September 2024 between the complainant and co-accused.

5. The petitioner's counsel has further argued that the dispute between the complainant and co-accused is essentially civil in nature, arising out of a contractual transaction involving sale and purchase of goods, and that failure to fulfil contractual obligations does not ipso facto constitute organized criminal activity. The mere presence of the petitioner's name as a witness or identifier in certain documents does not establish that such documents are forged or intended to defraud. It is also noted that the complainant acknowledged receipt of Rs. 6 lakhs and was issued postdated cheques when the material could not be supplied, thereby raising questions regarding the applicability of Section 111 BNS.

6. In view of the above circumstances, particularly the petitioner's cooperation in the investigation, the parity with co-accused who have been granted relief, and the nature of evidence presently available, this Court is of the opinion that no useful purpose would be served by denying the concession of bail at this stage. The question of the petitioner's involvement in any organized criminal activity is a matter to be determined during trial.
7. Accordingly, the application is *allowed*. The petitioner is directed to be admitted to bail in anticipation of arrest, subject to furnishing personal bonds and surety in the sum of Rs. 50,000/- each to the satisfaction of the Investigating Officer. The petitioner shall continue to cooperate with the investigation as and when required and shall not leave the territory of Union Territory of Jammu and Kashmir without prior permission.
8. *Disposed of* as such.

(SANJAY PARIHAR)
JUDGE

SRINAGAR:

04.05.2026

Imtiyaz, PS