

S. No. 8
Regular

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM(M) No. 791/2025
CrIM No. (2013/2025)

Razia And Ors.

...Petitioner/Appellant(s)

Through: Mr. Bhat Fayaz, Advocate with
Ms. Nighat Amin, Advocate

Vs.

Union Territory of J&K through SHO
Police Station SCW Crime Branch Srinagar

...Respondent(s)

Through: Ms. Nowbahar Khan, Assisting Counsel

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

ORDER
09.09.2026

1. The petitioners are aggrieved of the order dated 25.11.2025 passed by the learned Trial Court, whereby their application seeking release of certain articles/documents seized by the Crime Branch in connection with FIR No. 09/2023, registered for offences under Sections 420, 467, 468 and 471 RPC, has been partly allowed. While some of the seized articles/documents have been directed to be released, release of the remaining articles/documents has been declined.
2. The case of the petitioners is that the Investigating Agency, during the course of investigation, conducted a search of the residential premises of accused Showkat Ahmad Mir, husband of petitioner No. 1 and father of petitioner Nos. 2 and 3, and seized as many as 52 articles/documents. The accusation against the said accused is that he

had secured appointment in the Police Department as Assistant Sub-Inspector in the year 1993 on the strength of fake and forged documents and had, consequently, derived monetary benefits from such appointment.

3. The grievance projected by the petitioners is that a substantial number of the seized articles/documents, including passbooks, PLI passbooks, cash certificates, bank-locker receipts and receipts pertaining to purchase of jewellery, either belong to the petitioners or have no nexus whatsoever with the allegations forming the subject matter of the FIR. It is, accordingly, contended that continued retention of such articles/documents serves no legitimate purpose of investigation and causes unnecessary prejudice to the petitioners.
4. Learned counsel appearing for the prosecution, on the other hand, supported the order passed by the learned Trial Court on the ground that the investigation is still in progress and the charge-sheet is yet to be laid before the competent Court. It was, thus, contended that the articles/documents retained by the Investigating Agency may be required for the purposes of investigation and trial.
5. Heard learned counsel for the parties and perused the Case Diary.
6. During the course of hearing, Mr. Abdul Razak, Sub-Inspector, SCW Crime Branch, Srinagar, appearing in person, fairly submitted that the gravamen of the accusation against the accused is that he had secured public employment on the strength of fake and forged documents. He further identified the documents connected with the educational qualifications, appointment and service record of the accused as being material for investigation into the alleged offences.

7. For convenience of the disposal of the present petition, following documents are listed below: -

S. No.	Description of documents/articles/records seized	Description of place where	Remarks
1.	Passbook of Shahzareen Showkat bearing A/C No. 0367040100007501	1 st Floor of the house	01 original
2.	Passbook of Deeba bearing A/C No. 0367040100007502	1 st Floor	01 original
3.	PLI Passbook bearing A/C No. 6009427644	1 st Floor	01 original
4.	PLI Passbook bearing A/C No. 6009427644	1 st Floor	01 original
5.	PLI Passbook bearing A/C No. 010097966762	1 st Floor	01 original
6.	J&K Bank pass book of Razia bearing No. 0367040100004928	1 st Floor	01 original
7.	PLI Passbook bearing A/C No. 020058848310	1 st Floor	01 original
8.	PLI Passbook bearing A/C No. 1043788	1 st Floor	01 original
9.	Cheque book of Razia Mir bearing A/C No. 6009427644	1 st Floor	01 original

10.	PLI Passbook bearing A/C No. 020165551830	1 st Floor	01 original
11.	PLI Passbook bearing A/C No. 020165551125	1 st Floor	01 original
12.	PLI Passbook bearing A/C No. 020159646554	1 st Floor	01 original
13.	PLI Passbook bearing A/C No. 020159647226	1 st Floor	01 original
14.	Cash certificate of Razia bearing No. 291498	1 st Floor	01 original
15.	Cash certificate of Razia bearing No. 291090	1 st Floor	01 original
16.	Cash certificate of Razia bearing No. 291078	1 st Floor	01 original
17.	Cash certificate of Razia bearing No. 291077	1 st Floor	01 original
18.	Cash certificate of Razia bearing No. 291026	1 st Floor	01 original

19.	Cash certificate of Razia bearing No. 290918	1 st Floor	01 original
20.	Property return statement for the year 2023 of Razia vide form No. 93010	1 st Floor	01 Xerox
21.	Property return statement for the year 2022 of Razia vide form No. 537686	1 st Floor	01 Xerox
22.	Bank locker receipt record vide No. 000058	1 st Floor	01 Xerox
23.	Receipt vide No. 1310 dated 02.07.2020	1 st Floor	01 original
24.	Receipt bearing No. 555 dated 07.07.2015	1 st Floor	01 original
25.	Receipt of Mizan Jewelers without No. and date (14 in No.)	1 st Floor	14 No. in original
26.	Receipt of Nichal Jewelers bearing No.'s 735, 734, 81, 49, 47, 46, 478, 45 & 48 (09 in No.)	1 st Floor	09 No. in original
27.	Receipt of Royal Jewelers bearing No.'s nil dated 21.06.2012, 21.06.2012,27.01.2012 &05.08.2011	1 st Floor	04 No. in original
28.	Receipt of G.N Jewelers bearing No.'s 331, 330, 336 & 332	1 st Floor	04 No. in original

29.	Receipt of Pratab Singh Jasbeer Jewelers dated 04.02.2013	1 st Floor	01 page original
30.	Receipt of S. Tara Singh- Sukh Chain Singh	1 st Floor	03 page original
31.	Receipt of Sethi ornaments	1 st Floor	01 page original
32.	Receipt of Mezan Jewelers amount Rs. 5200/-	1 st Floor	01 page original
33.	Receipt of Sabdar Jewelers dated 24.06.2011	1 st Floor	01 page original
34.	Bank Receipt of A/C No. 790010110001199	1 st Floor	01 page original
35.	Bank Receipt dated 08.04.2024 of Shah Zareen A/C 7501	1 st Floor	01 page original
36.	Xerox Adhaar Card No. 633554455007 of Razia	1 st Floor	01 Xerox
37.	Xerox Pan Card No. ARWPR8957Q of Razia	1 st Floor	01 Xerox
38.	Xerox Adhar Card No. 495289864388 of Showkat Mir	1 st Floor	01 Xerox
39.	Xerox Passport No. R4522247 of Showkat Mir	1 st Floor	01 Xerox
40.	Xerox Pan No. DACPM8837C of Showkat Ahmad	1 st Floor	01 Xerox

41.	Xerox Pan No. OKKPS6156K of Deeba Showkat	1 st Floor	01 Xerox
42.	Xerox Aadhar Card No. 488886031751	1 st Floor	01 Xerox
43.	BA qualification Certificate bearing reg. No. 17478-PR-84 dated 30.09.1988 of Showkat Ahmad Mir original	1 st Floor	01 page original
44.	Matriculation certificate S.No. 4214 vide Roll No. 20597 of Showkat Ahmad Mir in original	1 st Floor	01 page original
45.	Xerox Higher Secondary examination Part 2 certificate vide Roll No. 6755 of Showkat Ahmad Mir	1 st Floor	01 page Xerox
46.	Character certificate bearing No. 818 issued by GHS Batamaloo of Showkat Ahmad Mir in original	1 st Floor	01 page original
47.	Appointment order No. 167 C of 1993 issued vide endstt. No. Estt/M- 93/II/ADO dated 31.03.1993 issued by DGP J&K camp office Srinagar endorsed by administrative officer (in original)	1 st Floor	01 page original
48.	Advertisement Notice of J&K Police Hqrs Camp Srinagar in r/o post of	1 st Floor	(typed 02 pages)

	sub insepector stenography having GB initials dated 23.01.1992 purportedly issued by G.N Saksana DGP J&K (typed 02 pages)		
49.	Call letter for short & type writing test issued vide No. Estt/APPT-dated 03.08.1989 issued by Administrative officer J&K Police Hqrs Sgr. (01 page typed)	1 st Floor	(01 page typed)
50.	Circular No. 42-GAD of 2014 dated 04.10.2014 issued vide no. GAD(Adm) 203-2014-1 dated 04.10.2014	1 st Floor	05 xerox
51.	Certificate issued vide No. Estt/MEC-07/2015/18769 dated 02.05.2015 by DPO Srinagar	1 st Floor	01 xerox
52.	Shadow Service book bound of Showkat Ahmad Mir S/O Gh. Mohammad Mir R/O Nursing Grah Karanagar Srinagar comprising of (46) Lvs.	1 st Floor	Shadow Service book bound (46) Lvs

8. Significantly, the Investigating Officer also fairly conceded that, as on date, the investigation has not yielded any material suggesting that the accused had amassed assets disproportionate to his known sources of income. The investigation, therefore, essentially pertains to the allegation that the accused secured employment on the basis of fake

and forged documents and thereafter received salary and other emoluments consequent upon such appointment.

9. Once the scope of investigation is viewed in the aforesaid backdrop, there appears to be no justifiable reason for continued retention of articles/documents having no nexus with the alleged fraudulent appointment. The account statements, PLI passbooks, cash certificates, property returns, bank-locker receipts, receipts pertaining to purchase of jewellery and other personal documents of the petitioners cannot, merely because they were recovered during the course of search, be retained indefinitely when their relevance to the offence under investigation is neither demonstrated nor otherwise discernible from the record.

10. It is also pertinent to notice that the petitioners are immediate family members of the accused and there is no allegation in the FIR that they were privy to, or in any manner participated in, the preparation or use of the allegedly forged documents. Their personal financial and other records, therefore, cannot be retained merely on account of their relationship with the accused, particularly when the prosecution itself is unable to demonstrate any nexus between such documents and the offences under investigation.

11. Sections 451 and 457 Cr.P.C. vest the competent Court with jurisdiction to pass appropriate orders regarding custody and disposal of property during the pendency of investigation or trial. Such discretion is required to be exercised judiciously, keeping in view, inter alia, the nature of the property, its relevance to the investigation or trial, and the necessity of its continued retention.

12. In the present case, the learned Trial Court appears to have declined release of a substantial part of the seized material without adequately examining whether each such article/document had any bearing upon the allegations forming the subject matter of the FIR. Mere pendency of investigation, by itself, cannot constitute sufficient justification for continued retention of documents which have no discernible nexus with the offence under investigation.
13. The prosecution case is not one relating to acquisition or possession of assets disproportionate to the known sources of income of the accused. Consequently, the continued retention of cash certificates, PLI passbooks, bank-locker receipts, jewellery-purchase receipts and other similar documents cannot be said to advance the investigation into the allegation that the accused had secured public employment on the strength of fake or forged documents.
14. At the same time, the documents figuring at Serial Nos. 43 to 52 of the seizure list pertain to the educational qualifications, appointment and service record of the accused and have a direct bearing upon the allegations under investigation. Their continued retention by the Investigating Agency, at this stage, is therefore justified.
15. For the foregoing reasons, the petition merits acceptance and is, accordingly, **allowed**. The order dated 25.11.2025 passed by the learned Trial Court is **modified** to the extent that, in addition to the articles/documents already directed to be released, all the seized articles/documents out of the 52 items, **except those figuring at Serial Nos. 43 to 52**, shall stand released on **superdari in favour of petitioner No. 1**, subject to her furnishing an undertaking before the

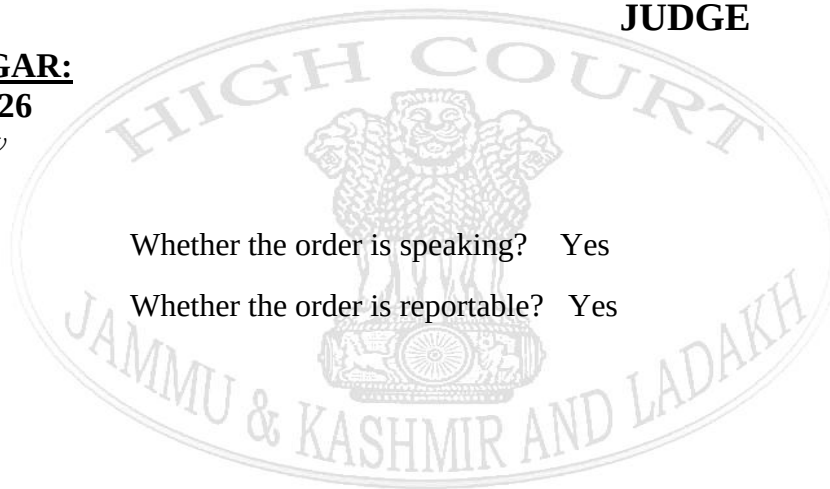
learned Trial Court that the said articles/documents shall be preserved in their present form and shall be produced before the Investigating Agency or the Court, as and when required during the course of investigation or trial.

16. The articles/documents figuring at **Serial Nos. 43 to 52** shall, however, continue to remain in the custody of the Investigating Agency, subject to further orders of the competent Court.

17. The Case Diary, after perusal, be returned to the Investigating Officer.

(SANJAY PARIHAR)
JUDGE

SRINAGAR:
09.09.2026
Akshil Dev



Whether the order is speaking? Yes

Whether the order is reportable? Yes