S. No. 14
Regular Cause List

INTHE HIGH COURT 0F JAMMU & KASHMIR AND LADAKH AT SRINAGAR

Bail App 142/2026
CrlM(1303/2026)

GHULAM MOHAMMAD SHEIKH

…Appellant(s)/Petitioner(s)

Through: Mr. Aadil Ahmad, Advocate

Vs.

UNION TERRITORY THROUGH POLICE STATION CRIME BRANCH KASHMIR ...Respondent(s)

Through:

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

ORDER
27.10.2026

1. The petitioner, in terms of order dated 03.08.2026 passed by this Court, was granted interim protection from arrest in connection with FIR No. 34/2017, registered with Police Station Crime Branch, Kashmir, Srinagar, for the commission of offences punishable under Sections 420, 467, 468, 471 and 120-B RPC. The interim protection was granted, inter alia, having regard to the fact that the FIR was registered in the year 2017, that the petitioner was not initially named therein and that his alleged involvement surfaced subsequently during the course of investigation.
2. It was also urged on behalf of the petitioner that the co-accused had already been admitted to bail. Taking into consideration the aforesaid factual background, this Court extended the concession of interim anticipatory bail to the petitioner, subject to the objections of the

respondents. The respondents have filed their objections, opposing the application primarily on the ground that the allegations against the petitioner pertain to the commission of serious offences.

3. During the course of arguments, it was brought to the notice of this Court that the investigation has substantially concluded and that the petitioner has been informed to remain present at the time of presentation of the charge-sheet before the competent Court. A perusal of the objections filed by the respondents does not disclose any specific instance of the petitioner having obstructed the investigation, tampered with the evidence or attempted to influence the witnesses. The respondents have, however, disputed the petitioner's assertion regarding his participation in the investigation and have contended that, after obtaining interim protection from arrest, he failed to appear before the Investigating Agency.

4. In rebuttal, learned counsel for the petitioner has invited the attention of this Court to the receipts issued by the Economic Offences Wing, dated 04.07.2026 and 18.07.2026, evidencing the petitioner's appearance before the Investigating Officer. Furthermore, the order dated 21.10.2026 passed by this Court categorically records that the petitioner has been appearing before the Investigating Officer. In the face of the aforesaid material, the allegation of non-cooperation, in the absence of any cogent material demonstrating a deliberate violation of the conditions imposed by this Court, cannot, by itself, constitute a

sufficient ground for withdrawing the interim protection already extended to the petitioner.

5. Having considered the rival submissions and the material placed on record, this Court is of the considered view that the interim concession granted to the petitioner deserves to be made absolute. The investigation is stated to be at its concluding stage, and no tangible material has been brought on record by the respondents to establish that the petitioner has misused the liberty granted to him or acted in disregard of the conditions stipulated in the order dated 03.08.2026. Mere reiteration of the seriousness of the allegations, without any material indicating misuse of the concession or the necessity of custodial interrogation at this stage, would not justify withdrawal of the protection already operating in favour of the petitioner.

6. In view of the foregoing discussion and the peculiar facts and circumstances of the case, this Court finds no justifiable reason to decline the continuation of the concession already extended to the petitioner. Accordingly, the present application is **disposed of**, and the **ad interim anticipatory bail granted to the petitioner vide order dated 03.08.2026 is hereby made absolute**, subject to the terms and conditions stipulated therein. The petitioner shall continue to cooperate with the Investigating Agency and shall remain present before the Investigating Officer and the competent Trial Court, as and when required, in accordance with the directions contained in the order dated 03.08.2026. Upon presentation of the charge-sheet, the

further appearance of the petitioner shall be regulated by the orders of the Trial Court in accordance with law.

7. It is made clear that any observation made hereinabove is confined exclusively to the adjudication of the present bail application and shall not be construed as an expression of opinion on the merits of the prosecution case, which shall be considered independently by the competent Court at the appropriate stage.
8. A copy of this order shall be conveyed to the Investigating Officer concerned for information and for apprising the competent Trial Court of the same at the time of presentation of the charge-sheet.
9. **Disposed of accordingly.**

(SANJAY PARIHAR)

JUDGE

Srinagar
27.10.2026
"Imtiyaz"

Whether the order is speaking? Yes/No
Whether the order is reportable? Yes/No

Imtiyaz Ul Gani
I attest to the accuracy and
authenticity of this document

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