S. No. **98**
Suppl. Cause List

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

Bail App/169/2026
Crl 1705/2026
c/w
CRM(M)/551/2026

Tabinda Nazir …Appellant/Petitioner(s)

Through: Mr. Shafqat Nazir, Advocate in Bail App 169/2026 with
Ms. Atufa Farooq, Advocate
Ms. Henna Baqal, Advocate
Mr. Sheikh Manzoor, Advocate in CRM(M) No. 551/2026

Vs.

Union Territory Through Police Station Baramulla ...Respondent(s)

Through: Mr. Hakim Aman Ali, Dy. AG

CORAM:
HON'BLE MR JUSTICE SANJAY PARIHAR, JUDGE

O R D E R
22.09.2026

CRM(M) No. 551/2026

1. The petitioner, by way of the present petition, has called in question FIR No. 99/2026, registered at P/S Baramulla for offences punishable under Sections 61(2), 316(5), 318(4), 337, 339 and 340(2) of the Bharatiya Nyaya Sanhita, 2023 ("BNS").

2. The impugned FIR owes its origin to a complaint lodged by the learned Sub-Judge (Judicial Magistrate 1st Class), Baramulla. The complaint records that an official of the Anti-Corruption Bureau, Baramulla, moved an application dated 13.06.2026 seeking certified copies of the final order, decree, compromise and other allied documents pertaining to a civil suit titled *"Rabia Rashid v. Abida Malik"*, purportedly decided by the Court of the learned Sub-Judge, Baramulla on 22.01.2021.

3. Upon a search being conducted in the record room, the concerned judicial file could not be traced. The In-charge, Record Room, informed the complainant that the ACB official was in possession of photocopies purporting to be certified/verified copies of the final order and decree in the aforesaid suit, allegedly issued on 28.06.2025 and bearing the signatures of the complainant. Upon preliminary verification, applications purportedly seeking issuance of the certified copies, as also corresponding entries in the Issuance Register, were found available in the record room. However, the non-availability of the original judicial file gave rise to serious doubts regarding the genuineness and authenticity of the documents furnished by the ACB.The matter was, accordingly, brought to the notice of the learned Principal District Judge, Baramulla, who ordered a fact-finding inquiry to be conducted by the learned Additional District Judge, Baramulla.

4. **T**he Inquiry Officer conducted the fact-finding inquiry and submitted his report before the learned District Judge. Pursuant to the directions issued thereon, a complaint came to be lodged with the police by the learned Sub-Judge, Baramulla. The material emerging from the preliminary inquiry prima facie suggested that certain members of the court staff, acting in connivance with the beneficiary—the petitioner herein and other persons having an interest in the purported judgment and decree, had facilitated the preparation and issuance of fabricated certified copies of the judgment and decree and had allegedly procured, by deception, the signatures of the complainant, who was the officer authorised to issue certified copies. The inquiry further indicated that the alleged beneficiaries and other outsiders may have acted in concert with members of the court staff in furtherance of a conspiracy to fabricate judicial records and procure certified copies thereof.

5. The allegation, in substance, is that purported certified copies of the order and decree dated 22.01.2021 were fabricated and placed before the complainant through ministerial staff, namely Abdul Ahad Lone, Senior Assistant and the then Record Keeper/Dealing Assistant, Nisar Ahmad Bhat, Orderly, and Bashir Ahmad Peer, Orderly, allegedly in connivance with and at the behest of the beneficiaries, including the petitioner herein, late Aabida Malik and other persons interested in the purported decree and order.

6. The inquiry further revealed that no record evidencing the lawful issuance of the certified copies from the record room or from the Court of the learned Sub-Judge was available for the relevant period. This circumstance raised a serious question regarding the genuineness of the purported orders and the certified copies thereof. The allegations, therefore, disclose, inter alia, offences concerning criminal conspiracy, cheating, forgery of judicial records, forgery for the purpose of cheating, use of forged documents as genuine, criminal breach of trust by public servants, and such other offences as may emerge during investigation.

7. Vide order dated 05.08.2026, while issuing notice to respondent No. 1, this Court observed that the allegations disclosed offences of a grave nature having a direct bearing upon the sanctity of judicial records and the administration of justice. The Court, therefore, considered it imperative that the matter be investigated thoroughly and professionally so that every person found involved is proceeded against in accordance with law and incidents involving fabrication of judicial records are effectively addressed.

8. Having regard to the seriousness of the allegations, the case diaries were summoned and the Investigating Officer has appeared before this Court from time to time. The investigation conducted thus far reveals that several accused persons have been arrested, including a practicing advocate from Baramulla. One of the principal accused, namely Manzoor Ahmad Ganie, has also been arrested. The investigating agency relies upon a statement attributed to him and recorded before the Magistrate 1st Class, wherein he is stated to have disclosed that the purported decree had been procured through co-accused persons, including members of the court staff and, in particular, accused Muzaffar Ahmad Lone. Significantly, mutations in respect of approximately seven kanals of land are stated to have been effected on the strength of the purported decree.

9. During investigation, the mutation register was seized, which led to the arrest of a revenue official. According to the prosecution, the material collected during investigation has also brought under scrutiny the role of certain revenue officials in the preparation, procurement and utilization of the purported forged decree and in effecting mutation entries on its basis. The investigation remains in progress. The purported forged decree itself has, however, not yet been recovered, though an electronic device alleged to have been used in the preparation of the fabricated document is stated to have been recovered.

10. The case diaries further indicate that the role of a retired judicial officer has also come under investigation. He has been questioned and is stated to have responded to 121 questions put to him by the investigating agency. According to the investigation, the said officer has denied that the disputed decree bears his signatures and has disclaimed knowledge thereof. He is also stated to have acknowledged that the purported decree does not conform to the prescribed legal procedure. The investigating agency, however, relies upon the disclosure attributed to accused Manzoor Ahmad Ganie, according to whom accused Muzaffar Ahmad Lone, a court employee, had represented that he was in contact with the concerned judicial officer, who had earlier remained posted at Baramulla and subsequently at Pulwama, and that he would procure his signatures upon the purported decree. According to the aforesaid disclosure, accused Muzaffar Ahmad Lone is alleged to have acted as a conduit between accused Manzoor Ahmad Ganie and the said former judicial officer. These aspects necessarily require investigation strictly in accordance with law and on the basis of legally admissible evidence. Viewed in the aforesaid backdrop, the allegations cannot be treated as involving merely the irregular procurement of documents. The material collected thus far prima facie points towards an alleged conspiracy to fabricate judicial records for the purpose of cheating and thereafter to use such fabricated records as genuine.

11. The investigating agency also relies upon the disclosure attributed to accused Manzoor Ahmad Ganie that he had been informed by co-accused Muzaffar Ahmad Lone that an amount of Rs.14 lakhs was required for arranging the requisite court order. This allegation, like the other disclosures made during investigation, shall necessarily have to be tested and established by legally admissible evidence. Certain monetary transactions are also stated to have surfaced between the accused persons and the lady advocate who has since been arrested.

Although a search warrant was obtained for recovery of the purported forged document, the searches conducted thus far have not resulted in its recovery. The investigation, at its present stage, concerns allegations that approximately 15 kanals of land were sought to be appropriated through fabrication and use of a fictitious decree and consequential alteration of revenue records and the land in question is stated to be evacuee property. The prosecution case is that accused Manzoor Ahmad Ganie projected his wife, the petitioner Rabia Rashid, as having acquired title to the land by virtue of an alleged gift from one Abida Malik and thereafter relied upon a purported compromise decree in the fictitious suit titled *"Rabia Rashid v. Mst. Abida Malik."*

12. The land under scrutiny includes land measuring 10 kanals and 13 marlas falling under Khasra No. 3157/2044 and Mutation No. 2258, situated at Mouza Khanpora, Baramulla, as also land measuring 5 kanals under Khasra No. 5288/811 and Mutation No. 4070, situated at Ushkura, Baramulla. These are, at this stage, matters under investigation and shall not be understood as concluded findings regarding the criminal liability of any person. The arrest of revenue officials has brought an additional dimension of the matter under investigation, namely, the alleged use of fabricated judicial documents for securing corresponding changes in revenue records.

13. Considering the nature and breadth of the allegations, an in-depth investigation is warranted. The material placed before this Court indicates that certain significant investigative leads, including those concerning the role attributed to the retired judicial officer, have not yet been pursued to their logical conclusion, including by confronting the relevant persons with the material and statements collected during investigation, wherever permissible in law. A perusal of the material placed before the Court, however, indicates that certain mutation entries concerning the land allegedly benefiting the accused have not yet been comprehensively investigated. The record suggests that some of these entries were purportedly made on the basis of an order attributed to the Additional Deputy Commissioner, Baramulla.

14. The allegations cannot be viewed merely as an alleged fraud but creation of a fictitious civil proceeding and fabrication of judicial records, if ultimately established in accordance with law, would have serious ramifications for the integrity of the justice-delivery system and the sanctity attached to judicial records. Although the investigation is in progress, the alleged involvement of persons occupying or having occupied public offices, coupled with the nature of the material that remains to be recovered and examined, persuades this Court that the investigation requires further strengthening and supervision. In the circumstances, it would be appropriate that further investigation be conducted by a Special Investigation Team so that the entire transaction is investigated comprehensively and the role of every person found connected with the alleged conspiracy, fabrication of judicial records and their consequential use is examined in accordance with law.

15. The petitioner is the wife of accused Manzoor Ahmad Ganie. The prosecution case, as emerging from the investigation conducted thus far, is that she was projected as the beneficiary of the purported compromise decrees and the consequential revenue entries. The petitioner, however, maintains that she is innocent and has been falsely implicated. At the present stage, having regard to the material collected during investigation, including the circumstances surrounding the purported judicial proceedings and the disclosures relied upon by the investigating agency, this Court is unable to accept the contention that the registration and continuation of the impugned FIR, insofar as the petitioner is concerned, constitutes an abuse of the process of law.

16. The petitioner's contention that the certified copies of the judicial record had been obtained through the ordinary process of law is also contradicted, at this stage, by the material collected during investigation. The investigating agency asserts that no civil suit corresponding to the purported proceeding was instituted by the petitioner in the year 2021 and that the decree sought to be relied upon is not genuine. These circumstances furnish sufficient material for continuation of the investigation against the petitioner.

17. The investigation further indicates that two mutations were allegedly attested in the petitioner's name on the strength of purported decrees dated 24.12.2020 and 22.01.2021. The precise extent of land covered by those mutations, their underlying documents, and the circumstances in which the entries were made shall remain matters for investigation and, if occasion arises, adjudication before the competent court. In view of the foregoing, and having regard to the settled parameters governing interference with a criminal investigation at the threshold, this Court finds no ground to interdict the investigation or quash FIR No. 99/2026 at this stage. The petition is, accordingly, **dismissed**.

18. Before parting with the matter, this Court considers it necessary to advert to the stage and manner of investigation. The investigation is presently at a sensitive and crucial stage. Although the investigating agency states that efforts are underway to identify and apprehend the remaining accused persons, the purported forged documents, stated to bear two different dates, have not yet been recovered. The non-recovery of the primary documents, coupled with the fact that certain material investigative leads have not yet been pursued to their logical conclusion, warrants appropriate supervision and direction by this Court.

19. The case concerns serious allegations relating to fabrication and forgery of judicial/government records and their subsequent use for securing consequential changes in revenue records and rights over immovable property. While the investigating agency has taken several steps during the course of investigation, the material presently before the Court indicates that the role attributed to the concerned former judicial officer, as also the role of higher revenue officials, requires a more comprehensive investigation. The investigation, therefore, requires further direction, supervision and augmentation so as to ensure that it proceeds fairly, comprehensively and in accordance with law and culminates in a legally sustainable conclusion.

20. Accordingly, with a view to ensuring that the entire factual matrix is brought on record and that the roleof every person connected with the alleged occurrence is duly ascertained on the basis of legally admissible evidence, this Court is of the considered view, that the investigation cannot appropriately be left to be carried forward by the local police. In the interests of a fair, impartial and comprehensive investigation, it is, therefore, deemed necessary to entrust the matter to a specialized investigating agency. Consequently, the investigation in FIR No. 99/2026 P/S Baramulla is hereby transferred to the Crime Branch Agency of Union Territory of Jammu and Kashmir. The Inspector General of Crimes, Kashmir, shall constitute a Special Investigation

Team (SIT), comprising senior officers of the rank of Additional Superintendent of Police/Deputy Superintendent of Police, which shall undertake further investigation in FIR No. 99/2026 and carry the same to its logical conclusion, strictly in accordance with law. The Inspector General of Crimes, Kashmir, shall also exercise appropriate supervision over the investigation so as to ensure that it is conducted fairly, objectively and expeditiously, uninfluenced by any extraneous consideration. The Special Investigation Team shall submit periodic status reports regarding the progress of the investigation to the Registrar (Vigilance) of this Court. The Registrar (Vigilance) shall retain the same on record and place them before the Court as and when so directed.

21. Ordered accordingly.

Bail App No. 169/2026:

1. The petitioner, Tabinda Nazir, is a law graduate who was initially enrolled as a provisional Advocate on 21.02.2022 and commenced practice before the Courts at Baramulla. She was finally enrolled as an Advocate on 19.09.2024. In the course of her professional practice, she appeared on behalf of accused Rabia Rashid in a civil suit titled *"Rabia Rashid v. Mst. Abida Malik"*, seeking declaration and permanent injunction. In the said suit, the parties relied upon an alleged compromise and sought a decree in respect of ownership rights. The Court of the learned Additional District Judge, Baramulla, by order dated 23.10.2024, declined to grant such a decree, observing that an inter se compromise could not, by itself, operate as an instrument of transfer of title and that the parties were required to execute an appropriate conveyance and have the same duly registered before the competent authority in accordance with law.

2. The prosecution case, however, is that the petitioner was involved in the procurement and subsequent use of a purported decree dated 22.01.2021, which was subsequently found to be fabricated, and that she was also instrumental in obtaining a certified copy thereof.

3. The record reveals that on 13.06.2026, the Anti-Corruption Bureau, Baramulla ("ACB"), sought certified copies of the final order, decree, compromise and other allied documents pertaining to the civil suit titled *"Rabia Rashid v. Mst. Abida Malik"*, purportedly decided by the Court of Sub-Judge on 22.01.2021. Upon verification, however, no corresponding judicial record was found available.

4. During the course of inquiry, the ACB found that an application seeking issuance of certified copies, as also a corresponding entry in the relevant issuance register, existed in the record. However, the original judicial file to which the purported order and decree related was not traceable. The Record Room report raised serious doubts regarding the genuineness of the certified copies furnished to the ACB.

5. The inquiry prima facie revealed that certain members of the Court staff, allegedly acting in connivance with beneficiary Rabia Rashid and other persons interested in the purported judgment and decree, had manipulated the process relating to issuance of certified copies and had caused fabricated copies of the judgment and decree to be issued under the ostensible authority of the competent officer.

6. The inquiry further revealed that the alleged acts constituted not merely a fraud upon the officer whose signatures were stated to have been obtained or used deceitfully, but also a fraud upon the judicial institution and the administration of justice. Consequently, an FIR came to be registered upon the allegation that the purported certified copies of the order and decree dated 22.01.2021, as well as the photocopies thereof available with the ACB, were fabricated.

7. The prosecution further alleges that the petitioner entered into a conspiracy with the co-accused for procurement of the purported decree, which was thereafter sought to be used for securing rights over evacuee land. According to the prosecution, co-accused Raja Shabir and Ajaz Ahmad arranged a meeting between Manzoor Ahmad Ganie and the petitioner. It is alleged that the petitioner represented that she could procure separate orders in respect of 14 kanals of land, divided into two portions of seven kanals each, and demanded an amount of ₹8,00,000/- for each such order. The investigation is stated to have revealed certain payments, including an online transfer of ₹50,000/- into the petitioner's account, besides allegations of further payments in cash. The investigation further suggests that Manzoor Ahmad Ganie had caused two purportedly fabricated orders to be prepared, one in the year 2020 and another in the year 2021, and thereafter sought to rely upon them in subsequent civil proceedings. The subsequent suit itself has been found to be genuine; however, no decree conferring title was passed therein, the competent Court having declined to grant such relief.

8. Learned counsel for the petitioner submits that the petitioner had no role whatsoever in the preparation or fabrication of the disputed documents and that she had merely been requested to obtain certified copies thereof. It is

further contended that, far from being a participant in the alleged fabrication, the petitioner was the person who brought to the notice of the ACB her suspicion that the documents in question were not genuine. It is further urged that the petitioner, being relatively new to the legal profession, was unwittingly used by the co-accused in furtherance of a conspiracy to which she was not privy. According to the defence, the only civil proceedings instituted by the petitioner on behalf of her client were genuine, a fact which, according to learned counsel, also stands borne out by the investigation. The amount of ₹50,000/- received by the petitioner is stated to have been a legitimate professional fee for representing her client in the said proceedings.

9. The petitioner had initially approached the Court seeking anticipatory bail. During the pendency of the said application, however, she was arrested by the investigating agency and consequently remained in custody, rendering the prayer for anticipatory bail infructuous. It is submitted that she has undergone approximately fifteen days of custodial interrogation and that the offences alleged against her are not punishable with imprisonment exceeding seven years. It is further urged that the petitioner is the mother of a breastfeeding infant and is willing to continue to cooperate with the investigation.

10. The prayer for bail is opposed by the respondent on the ground that the petitioner's custodial presence was necessary in view of her alleged role as an important constituent of the conspiracy relating to fabrication and procurement of false Court orders and decrees. The prosecution further relies upon the statement attributed to co-accused Manzoor Ahmad Ganie, according to whom an amount of ₹14,00,000/- was allegedly required for

procurement of the Court order and, out of the said amount, ₹4,25,000/- had allegedly already been paid to the petitioner. Learned counsel for the petitioner vehemently disputes the aforesaid allegation and reiterates that the petitioner received only ₹50,000/-, which represented her professional fee for conducting the subsequent civil suit before the learned Additional District Judge, Baramulla.

11. I have heard learned counsel for the parties and considered the material placed on record. At this stage, it is not in dispute that the petitioner is at the nascent stage of her professional career. Having been provisionally enrolled in the year 2022 and finally enrolled in the year 2024, the possibility that she may not have been fully conversant with all procedural aspects relating to procurement of certified copies cannot, at this stage, be altogether excluded. It is also relevant that the civil suit instituted by the petitioner on behalf of co-accused Rabia Rashid before the Court of the learned Additional District Judge, Baramulla, on 14.10.2024, has, during investigation, been found to be a genuine proceeding. The suit pertained to declaration and permanent injunction and involved a compromise/agreement concerning transfer of ownership rights. The Court, by judgment dated 23.10.2024, declined to recognize any transfer of ownership in the absence of a duly executed conveyance in accordance with law.

12.Whether the petitioner had knowledge that the title asserted by Rabia Rashid, wife of co-accused Manzoor Ahmad Ganie, was founded upon the disputed documents is a matter which remains subject to investigation. The petitioner had preferred an application for anticipatory bail on 14.08.2026; however, following her arrest on 09.09.2026, the said application ceased to survive. The petitioner has further pleaded that she is the mother of a 12-

month-old breastfeeding daughter. Medical material has also been placed before the Court to contend that, while in police custody on 13.09.2026, she developed a depressive condition for which she was taken to Government Medical College Hospital, Baramulla, for treatment. It is urged that prolonged separation from her infant child has aggravated her condition.

13. The record indicates that, while granting remand, appropriate directions were issued to facilitate breastfeeding of the child. During the course of hearing, the Investigating Officer fairly stated that the petitioner has been kept separately and is being permitted to breastfeed her child at regular intervals. Learned counsel for the petitioner has further submitted that the petitioner had joined and cooperated with the investigation throughout. This factual assertion has not been seriously disputed by the respondent.

14. The petitioner does not appear, from the material presently placed before the Court, to have any previous criminal antecedents. At the same time, there can be no manner of doubt that the allegations are grave and concern the alleged falsification and fabrication of judicial records. The seriousness assumes added significance in view of the petitioner's status as a member of the legal profession. Nevertheless, the material presently available also indicates that the petitioner had been cooperating with the investigation from the stage of registration of the FIR and that she was taken into custody after the statement of a co-accused allegedly implicated her. She has already undergone approximately fifteen days of custodial remand and, as stated by the Investigating Officer, has since been remanded to judicial custody.

15. Without expressing any final opinion on the merits of the accusations, which must necessarily await completion of the investigation and

consideration at the appropriate stage, this Court is conscious that the allegations against the petitioner are serious. At the same time, the circumstances noticed hereinabove, including the petitioner's comparatively recent entry into the legal profession, make it difficult, at this stage, to altogether rule out the possibility that she may have been drawn into the process of obtaining the disputed documents without full knowledge of their alleged fabrication.

16. Of significance, at least for the limited purpose of considering the present prayer for bail, is the material indicating that it was the petitioner who brought to the notice of the ACB her apprehension regarding the genuineness of the Court documents. It was thereafter that the ACB sought verification and certified copies of the purported orders, eventually leading to the discovery of the alleged fabrication of judicial records. The precise evidentiary value and legal effect of this circumstance shall, however, remain open for determination during investigation and trial, as the case may be.

17. It is well settled that, at the stage of consideration of bail, the Court is not required to undertake a meticulous examination of the evidence or record definitive findings touching upon the guilt or innocence of the accused. The observations made herein are, therefore, confined solely to the adjudication of the present bail application and shall not be construed as an expression of opinion on the merits of the case or prejudice the investigation or proceedings at any subsequent stage. Having regard to the totality of the circumstances noticed above, including the period of custody already undergone by the petitioner, her cooperation with the investigation, the absence, at this stage, of any material indicating previous criminal

antecedents, and her personal circumstances, and without expressing any opinion on the merits of the prosecution case, the petitioner is admitted to **interim bail pending completion of the investigation**, subject to the following conditions:

i. The petitioner shall furnish a surety bond in the sum of Rs. 1,00,000/- and a personal bond in the like amount to the satisfaction of the Principal District and Sessions Judge, Baramulla. The interim bail shall remain in force until the filing of the charge-sheet. Upon presentation of the charge-sheet before the competent Court, the petitioner's further appearance and custody shall be governed by such orders as may be passed by the Trial Court in accordance with law.

ii. Since the petitioner is stated to be in judicial custody, upon furnishing the requisite bail bonds to the satisfaction of the Principal District and Sessions Judge, Baramulla, a docket shall be drawn up and appropriate directions issued to the Superintendent of the concerned Jail for her release forthwith, provided that she is not required to be detained in connection with any other case.

iii. The petition stands disposed of in the above terms.

18. In view of the urgency expressed by both the counsels at bar, copy of the order be provided under seal and signature of the Bench Secretary.

(SANJAY PARIHAR)
JUDGE

SRINAGAR
22.09.2026
Shabroz