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| Regular List<br>S.No.3 |
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**HIGH COURT OF JAMMU & KASHMIR AND LADAKH**  
**AT SRINAGAR**

**(Through Virtual Mode)**

***Bail App. No. 110/2024***

**Arfat Ahmad Khan**

...Petitioner(s)

Through: Mr. Mukhtar Ahmad Makroo, Advocate.

**Vs.**

**UT of Jammu & Kashmir.**

...Respondent(s)

Through: Mr. Ilyas Laway, GA.

**CORAM: HON'BLE MR. JUSTICE M. A. CHOWDHARY, JUDGE**

**ORDER**

**14.11.2025**

- 01.** By this order it is proposed to *dispose of* the afore-titled bail application moved by the petitioner seeking grant of bail in anticipation of his arrest under Section 482 of BNSS, 2023 in a case registered vide FIR No. 144/2024 under Section 318(4) and 351(2) BNS, 2023 at Police Station, Anantnag on a compliant moved by one Rouf Ramzan Lone.
- 02.** The petitioner has pleaded in his bail application that he was falsely implicated in a case registered vide FIR No.144/2024 at Police Station, Anantnag under Sections 318(4) and 351(2) BNS as accused No.3 along-

with two co-accused persons, that too without any accusation against him as said FIR reveals that a complaint was filed by one Rouf Ramzan Lone before the Police Station, Anantnag against the two co-accused persons namely Firdous Ahmad Dar and Bilal Ahmad Malik, whom the complainant already knew, allegedly demanded Rs.1.50 lacs from the said complainant (Rouf Ramzan Lone) through a phone call on the pretext that a case under Public Safety Act has been prepared against him (complainant) by the Anantnag Police, and in order to save from said PSA, the complainant was asked to pay the said amount as the co-accused persons have links with some officer in this regard; that the petitioner has been falsely implicated in the case as accused No.3 when *prima facie* complainant has not specifically alleged anything against the petitioner.

- 03.** It is further pleaded that after coming to know that he has been falsely named and on *mala fide* intention included in the said FIR No.144/2024 that too without any accusation against him, immediately approached this Court for quashment of said FIR through a petition CRM(M) No.567/2024 in respect of the petitioner herein; that the Court after hearing the case on 18.09.2024 passed an interim relief whereby the filing of challan against the petitioner has been stayed; that both the co-accused namely Firdous Ahmad Dar and

Bilal Ahmad Malik applied for bail before the court of learned District Mobile Magistrate Traffic, Anantnag and the said court has granted bail to both the co-accused persons, in terms of order dated 24.07.2024; that apprehending his arrest the petitioner filed the instant bail application.

- 04.** Objections have been filed by the respondents on 29.04.2025, asserting therein that the complainant namely Rouf Ramzan Lone on 07.07.2024 approached the Police Station Sadder, Anantnag along-with a written complaint alleged therein that he is a farmer by profession and that two persons namely Firdous Ahmad Dar @ Tokio Sports and Bilal Ahmad Malik @ Bilal Badam, who were known to him, contacted the complainant telephonically and claimed that the Anantnag Police had prepared PSA against him and demanded Rs.1.50 lacs for cancellation of PSA through a known officer; that the complainant somehow arranged the amount of Rs.1.50 lacs and on the advice of said persons came to the General Bus Stand, Anantnag, where alongwith the said two accused persons one more person namely Arfat Ahmad Khan (petitioner herein) was present; that the complainant paid the amount of Rs.1.50 lacs and remained silent due to fear; that thereafter the complainant came to know that there was no PSA against him and the

alleged accused persons have fraudulently cheated the complainant and grabbed Rs.1.50 lacs from him; that on this report a case FIR No.144/2024 stands registered in Police Station, Anantnag and investigation took place; that during the course of investigation the two accused persons namely Firdous Ahmad Dar @ Tokio Sports and Bilal Ahmad Malik @ Bilal Badam came to be arrested in the said case; that during the interrogation of the said two accused persons, both of them confessed that the said amount of Rs.1.50 lacs was taken from the complainant in presence of another person namely Arfat Ahmad Khan (petitioner herein); that the said Arfat Ahmad Khan, meanwhile, had approached this Court for interim bail, and the Court was pleased to grant interim bail in his favour vide order dated 03.10.2024; that the instant case is still under investigation and charge sheet before the court of competent jurisdiction is yet to be produced.

- 05.** Heard and considered the submissions made by learned counsel for both the sides.
- 06.** Learned counsel for the petitioner submits that petitioner is a Government employee and belongs to an educated and respectable family and has earned name and fame in the society and had never indulged in any activity which is against the law of the land. He further submits that in case he is arrested in the falsely

implicated FIR No.144/2024, he will suffer irreparable loss and injury, as his job, prestige and respect, all shall be at stake. This Court in terms of an order dated 03.10.2024 granted interim bail in favour of the petitioner herein, in case of his arrest subject to the conditions contained in the said order and prayed that petitioner be admitted to bail.

**07.** Learned counsel for the respondent submits that the petitioner who is a Government employee has participated in the commission of offences, whereby, the complainant has been cheated of an amount of Rs. 1.50 lacs under a false claim that he was being slapped with a preventative detention and that the accused shall save him from being detained in view of their connection with one of the senior Police Officer. He submits that the petitioner is not entitled for such a relief of bail in anticipation of his arrest as his custodial interrogation is warranted, for the nexus between the three accused for the alleged cheating that prays that the bail application be rejected.

**08.** The offences i.e., under Sections 318 (4) and 351(2) of BNS are punishable with imprisonment of either description for a term which may extend to seven years and fine and to four years respectively. In view of the punishment provided for both the offences of which the petitioner is accused besides the other accused, this

Court is of the opinion that custodial interrogation is unwarranted and particularly when the co-accused who have been shown as the main accused have already been admitted to regular bail by a Court.

**09.** Having regard to the fact that the Investigating Agency has not brought anything adverse from which it can be deduced that the concession of bail granted on 03.10.2024 in favour of the petitioner herein has been misused or otherwise same requires to be withdrawn. Accordingly, interim bail in anticipation of arrest of the petitioner granted on 03.10.2024, is made absolute subject to the condition that the petitioner shall appear before the Investigating Agency as and when required and shall not leave the territory of the UT of J&K unless permitted by this Court, on furnishing bail/personal bonds to the tune of R. 50,000/- each in the event of his arrest.

**10.** Bail Application is **disposed of** accordingly.

( M. A. CHOWDHARY )  
JUDGE

Srinagar  
14.11.2025  
*Muzammil. Q*