

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

**Bail App 90/2025 CrIM(711/2025)**

**ARIF ALI KHAN** ...Petitioner(s)/appellant(s)

Through: Mr. Taha Khaleel, Advocate

**Vs.**

**UNION TERRITORY THROUGH POLICE** ...Respondent(s)  
**STATION SAFAKADAL**

Through: None

**CORAM:**  
**HON'BLE MR JUSTICE MOHD YOUSUF WANI, JUDGE**  
**ORDER**  
**06.10.2025**

1. Through the medium of the instant application filed under and in terms of provisions of Section 482 of the BNSS, on 04.06.2025, the petitioner has sought the grant of pre-arrest bail in his favour in case FIR No. 39/2025 under Sections 308(4), 329(a), 351(2) and 74 of the BNS registered with Police Station, Safa Kadal, Srinagar.
2. Upon filing of the instant petition, this Court was convinced to admit the petitioner/accused to interim pre-arrest bail vide order dated 05.06.2025. Subsequent to the passing of the interim pre-arrest bail order in favour of the petitioner, the final report/challan in the case concerned came to be filed by the Investigating Officer before the Competent Court, which is accordingly reported to be pending trial.
3. The petitioner seeks the grant of absolute pre-arrest bail in his favour in the case FIR. Although the final report/challan is reported to have been filed in respect of case FIR in question, yet the petitioner cannot be directed to seek regular bail from the learned Trial Court, as the same shall defeat the purpose of the doctrine of pre-arrest bail covered under

the provisions of Section 482 of the BNSS, in view of the authoritative interpretations of the concept of pre-arrest bail by the Hon'ble Apex Court, especially in cases titled "*SiddharamSatlingappaMhetre Vs. State of Maharashtra & Ors.*" AIR 2011 SC 312 and "*Susheela Aggarwal & Ors. Vs. State (NCT) Delhi & Anr.*" decided on 29<sup>th</sup> January, 2020. Since the trial in the case has already commenced, as such, it is obvious that there is no need for the petitioner's custody. The offences under the FIR in question do not attract the bar under the provisions of Section 480 of the BNSS corresponding to Section 437 of the Cr.P.C. (repealed)

4. For the forging discussion, the interim pre-arrest bail order dated 05.06.2025 is made absolute. The personal and surety bonds furnished pursuant to the order dated 05.06.2025 shall remain intact up to the conclusion of the trial. The petitioner/accused shall remain punctual during the trial and shall not make any attempt to tamper with the prosecution evidence in any manner whatsoever. He shall not repeat the commission of any crime and shall not leave the limits of UT of J&K without the prior permission of the learned Trial Court.

**5. Disposed of.**

**(MOHD YOUSUF WANI)**  
**JUDGE**

**SRINAGAR**  
**06.10.2025**  
ARIF