

IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.3500 of 2025

Applicant : Syed Kashif Raza Zaidi s/o Syed Saadat Hussain Zaidi,
Through Mr. Siraj Ahmed Mangi,
Advocate

Complainant : Ali Gohar Jaffery s/o Ali Kausar Jaffery
Through Mr. Jibran Nasir, Advocate

Respondent : The State
Through Ms. Robina, DPG

Date of hearing : 21.04.2026
Date of order : 06.05.2026

ORDER

MIRAN MUHAMMAD SHAH, J:- Through this bail application, applicant Syed Kashif Raza Zaidi s/o Syed Saadat Hussain Zaidi, seeks pre-arrest bail in Crime No.586/2025, registered at Police Station Gulshan-e-Iqbal, Karachi, under section 420, 406, 467, 468 and 471 PPC,. Prior to this the applicant had approached to the Court of learned Additional Sessions Judge-XIII Karachi East, for the same relief but it was declined vide order dated 02.12.2025. He was admitted to interim pre-arrest bail by this court, vide order dated 18.12.2025, and the matter is now fixed for confirmation of the same or otherwise.

2. The facts of the case need not to be reproduce herein, as the copy of FIR is attached with the bail application and the facts are also stated in detail therein.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated due to matrimonial dispute. He also contended that the present FIR was lodged with an inordinate delay of about two years, which clearly indicates ulterior motive. He further argues that the dispute is purely of a civil nature relating to financial transactions and property, which has been given a criminal color to pressurize and humiliate

the applicant. He also submits that the case is based on documentary evidence and the offences do not fall within the prohibitory clause; therefore, he is entitled to confirmation of pre-arrest bail.

4. Learned counsel for the complainant opposes the bail application and contended that the applicant has committed fraud in respect of the said transactions, particularly the property in question. He argues that sufficient material is available on record to connect the applicant with the commission of the alleged offence; therefore, he does not deserve the concession of pre-arrest bail.

5. The learned APG has opposed the grant of pre-arrest bail and supports the case of the complainant, contending that the allegations against the applicant are serious in nature and the matter involves alleged fraudulent financial transactions; therefore, the applicant is not entitled to the extraordinary relief of pre-arrest bail.

6. After hearing the learned counsel for the parties at length and perusing the available record, it transpires that the present applicant/accused is the husband of the complainant's niece, and after the marriage, certain transactions were settled between the parties, being members of the same family. However, subsequently, matrimonial disputes arose between the spouses, whereafter the complainant's niece left the applicant's house along with her child and started residing with her parents. It has been contended that in order to pressurize the present applicant/accused, he has been falsely implicated in this case, which prima facie reflects mala fide on the part of the complainant. It further appears that since financial transactions had taken place between the parties, the same have been used by the complainant as a mechanism to get the applicant/accused arrested for ulterior motives and to humiliate him in the eyes of the public. The main focus of the learned counsel for the complainant remained upon the said transactions and the resultant alleged fraud arising therefrom. Moreover, there is a delay of about two years

in the lodging of the FIR, which leads to the conclusion that the instant FIR was lodged only after the matrimonial dispute arose, thus indicating mala fide intention. Even otherwise, the case appears to be of a civil nature, which has been given a criminal color, as the dispute pertains to financial transactions, particularly relating to two plots, which are matters to be adjudicated upon by a civil court. It is by now a settled principle of law, as observed by the Hon'ble Superior Courts in a number of cases, that disputes of civil nature should not be converted into criminal proceedings, especially where mala fide is apparent on the face of the record. The case law cited before this Court emphasizes that pre-arrest bail is to be granted in extraordinary circumstances, particularly where mala fide is evident, and in the present case, the applicant/accused has expressed apprehension of harassment and misuse of process at the hands of the police at the behest of the complainant. In the given circumstances, it appears to be a fit case for grant of bail, as prima facie the case seems to be based on mala fide and ulterior motives. Furthermore, the case has already been challaned, the accused has been sent up for trial, and the investigation has been completed; therefore, the applicant/accused is no longer required for any further investigation, and this bail application cannot be kept pending merely for the purpose of harassment. Since the case is primarily based upon documentary evidence relating to financial transactions, this Court, at the stage of bail, is only required to make a tentative assessment and cannot examine into the deeper appreciation of such evidence, which is the domain of the trial court to determine the guilt or otherwise of the applicant/accused. It is also observed that the offences alleged in the FIR do not fall within the prohibitory clause; therefore, keeping in view that this pre-arrest bail application has been pending for a considerable period, the applicant has made out a case for confirmation of pre-arrest bail. Accordingly, the interim

pre-arrest bail already granted to the applicant/accused vide order dated 18.12.2025, stands confirmed on the same terms and conditions.

5. Needless to mention here that the observations made herein above are tentative in nature and would not influence the trial court while deciding the case of the applicant on merits. However, in case the applicant misuses the concession of bail in any manner, the trial court shall be at liberty to cancel the same after giving him notice, in accordance with the law.

Criminal bail application stands disposed of.

JUDGE

Suleman Khan/PA

