

ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

Crl. Bail Application No. S-358 of 2026

Applicant	:	Majid Ali (present in person) through Mr. Tahmasib Saeed, Advocate.
Respondent	:	The State through Mr. Dhani Baksh Mari, Assistant Prosecutor General Sindh.
Complainant	:	Javed Akhtar through Mr. Suneel Kumar Parhyar, Advocate.
Date of Hearing	:	18.08.2026
Date of Order	:	18.08.2026

ORDER

Muhammad Humayon Khan, J.: This is a pre-arrest bail application under Section 498 of the Cr.P.C seeking the enlargement of the Applicant on bail in Crime No.153 of 2026 lodged at the Shahdadpur Police Station under Sections 467, 468 and 506/2 of the P.P.C and Sections 3, 4 and 5 of the Sindh Prohibition of Interest on Private Loans Act, 2023. The applicant had originally sought pre-arrest bail before the learned Additional Sessions Judge, Shahdadpur, in Criminal Bail Application No. 690 of 2026 which was declined and so he had filed his application before this Court.

2. The precise allegation against the applicant may be stated as follows:
- i) providing an interest-bearing loan of Rs. 100,000/- to the Complainant's son, Adnan Ali also referred to as Adnan Ahmed as against a blank guarantee cheque without amount or signature, and receiving the same back at Rs. 20,000/- per month with two extra instalments as interest;
 - ii) managing false signature of the said Adnan Ali on the said cheque as well as a false amount of money; managing a false stamp paper with a fake tractor purchase agreement;
 - iii) causing harassment to the Complainant's son and family members; and
 - iv) specifically pointing a pistol at the Complainant when he along with his nephews, Tanweer Jutt and Manzoor Ahmed Jutt, went to Shahdadpur and were sitting at "Zam Zam Hotel" and harassing them at about 03:00 am seeking them to pay additional interest amount or be killed.

3. After hearing the learned Counsel for the applicant and the complainant as well as the learned Assistant Prosecutor General Sindh, and going through the record, I am inclined to grant bail for the following reasons:

- i) To the extent of the Prohibition of Interest on Private Loans Act, 2023, the accusation is in respect of Sections 3, 4 and 5 and is based upon the allegation of the applicant providing an interest-based loan to the Complainant's son as well as managed signatures and amounts on the cheques. The allegation regarding the interest-based loan is largely verbal and it cannot be ascertained whether the amounts were *prima facie* paid for interest or not. There is also an allegation of forging an agreement. The Court cannot resolve these allegations regarding forged signatures and agreement for or against any party at this stage, and it seems to me that there is no supporting material to connect the applicant with these allegations.
- ii) The applicant's nomination under Sections 467 and 468 of the PPC also arise out of the same set of allegations, especially regarding the forged agreement and signatures, and will have to face the same contingency.
- iii) No incriminating recovery has been made from the applicant to support his connection with the crime. The alleged pistol that was pointed by the applicant has not been recovered and interestingly no public witness, hotel personnel or CCTV footage has been provided although it is the complainant's statement that the offence under Section 506/2 of the PPC occurred at "Zam Zam Hotel" which appears to be a public place.
- iv) The offence of harassment under Section 5 of the 2023 Act provides a punishment of five years and as such it falls outside the prohibitory clause of Section 497(1) of the CrPC. *Prima facie* the offence under Section 4 is not attracted as no allegation of abetment has been made.
- v) There is a delay in the lodgement of the FIR. The offence took place allegedly on 26.03.2026 while the FIR was lodged on 20.05.2026. Any delay in the lodgement of the FIR pointing towards eroding the spontaneity of the report has to be resolved in favour of the applicant at the tentative stage of bail as observed in *Muzammil Hussain v The State* 2026 SCMR 917.
- vi) The accused and the complainant have instituted multiple civil and criminal proceedings against each other, and there is an element of cross-litigations which on a facial view of the material leads towards resolution in favour of the applicant at the bail stage.

vii) In *Khalid Saigol v The State* PLD 1962 SC 495 (subsequently referred to in *Khalid Javed Gillani v The State* PLD 1978 SC 256), it has been held by the Supreme Court that “reasonable grounds of guilt” in terms of the prohibitory clause mean that the Court is “prima facie satisfied that some tangible evidence can be offered which, if left unrebutted, may lead to the inference of guilt before it can come to the conclusion that its discretion no longer exists.” In my view, the prosecution’s case is lacking on such tangible material at the present stage.

viii) The case therefore appears to be one of further inquiry under Section 497(2) and therefore a fit one for the grant of bail.

ix) Apart from this, the I.O has already submitted a final challan under Section 173 of the Cr.P.C which indicates that the investigation has been completed and the case is ripe for trial.

x) It is without any doubt a necessity to deter the unislamic practice of engaging in interest or *riba* having been forbidden in the Holy Qur’an in the clearest words, however, one could never disagree that the same should be through deterrent punishments after concrete investigations, trials with due process and meritorious final judgments, and not through imposition of pre-trial incarceration on the basis of suspicion without reasonable grounds of guilt. I am quite clear in my mind that the ends of justice will not be met if the Court attempts to make a deterrent example out of someone whose final trial outcome is not yet known. Indeed, it is against the Injunctions of Islam in the Holy Qur’an and the Sunnah of the Holy Prophet (SAW) to punish someone without final proof, and in my humble view one cannot establish the said injunctions by following a procedure that is essentially opposite to them.

xi) It is already well-settled that where the accused is otherwise entitled to post-arrest bail, the extraordinary relief of pre-arrest bail should not be withheld simply as a procedural formality of putting the accused behind bars. Reference may be made to *Muhammad Akhtar v The State and others* 2025 SCMR 1631.

4. For these reasons, this application is allowed and the *interim* pre-arrest bail granted to the applicant by Order dated 02.07.2026 is hereby confirmed on the surety already furnished by him. However, in the event that the applicant is found in any manner misusing the concession granted by this order, the learned Trial Court shall be at liberty to cancel his bail as per law.

5. It is clarified that the observations made above are tentative in nature and shall not prejudice the case on merits which shall be decided by the learned Trial Court independently. The learned Trial Court is directed to expeditiously proceed with the case and dispose of the same positively within three months from today.

JUDGE

Faisal