

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2130 of 2025

Applicant : Naeem Jawed @ Guddo, through Ms. Lubna A. Abbasi, Advocate.
Complainant : Zakir Hussain, through Mr. Muhammad Ramzan, Advocate.
Respondent : The State, through Mr. Muhammad Noonari, D.P.G.
Date of Hearing : 05.11.2025
Date of Order : 05.11.2025

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ORDER

TASNEEM SULTANA, J: Through this criminal bail before arrest application, the applicant Naeem Jawed @ Guddo seeks pre-arrest bail in Crime No.50 of 2024 registered at Police Station Chakiwara, under Sections 406/506 PPC. Earlier his bail plea was declined by the learned VIIIth Additional Sessions Judge Karachi South vide order dated 29.05.2025.s

2. Brief facts of the prosecution case are that on 25.11.2013 the complainant allegedly paid an amount of Rs.300,000/-, and on 10.12.2013 a further amount of Rs.500,000/-, totalling Rs.800,000/-, to the present applicant for business purposes on the understanding that he would pay profit at the rate of Rs.80,000/- per month. It is alleged that after receiving the said amount the applicant did not pay the agreed profit and made lame excuses. Subsequent demands allegedly yielded only Rs.52,000/- from the applicant, and the remaining amount of Rs.648,000/- along with profit remained unpaid. It is further alleged that upon demand the applicant refused to settle the amount and extended threats of dire consequences, whereupon the FIR was lodged on 23.02.2024.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated due to malafide; that the dispute is essentially of a civil nature arising out of a private monetary arrangement; that the alleged incident pertains to 25.11.2013 whereas the FIR has been lodged after more than ten years without any plausible explanation, which casts serious doubt on the prosecution version; that the ingredients required to constitute

offences under Sections 406 and 506 PPC are not satisfied at this stage, as the question whether any dishonest or fraudulent intention existed at the inception of the transaction requires evidence at trial. Learned counsel further submitted that the case diary issued by the trial Court reflects that the applicant has joined the investigation and has been appearing before the Court on various dates, demonstrating that he is not avoiding the process of law and is cooperating with the proceedings. On these grounds, it was argued that the matter calls for further inquiry and the applicant merits confirmation of interim pre-arrest bail.

4. Conversely, learned DPG, assisted by learned counsel for the complainant, opposed the grant of bail and contended that the applicant is specifically nominated in the FIR; that he previously obtained bail from the trial Court but thereafter wilfully absconded and was declared absconder; that several coercive processes including NBWs, proclamations under Sections 87 & 88 Cr.P.C., and attachment orders were issued against him; that he is a habitual offender involved in multiple FIRs of similar nature; and that his conduct demonstrates deliberate avoidance of the process of law, therefore no leniency is warranted at this stage.

5. Heard. Record perused.

6. Perusal of the material so far produced reflects that the alleged dispute between the parties is based on a monetary transaction and profit arrangement. The FIR itself suggests advancement of certain amounts to the applicant with an understanding of receiving profit, which, *prima facie*, places the controversy within the realm of a civil dispute rather than a purely criminal offence at this tentative stage. It is an admitted fact that the alleged transaction pertains to the year 2013, whereas the FIR was lodged on 23.02.2024 after an unexplained delay of more than ten years, casting doubt on the prosecution version.

7. The question as to whether any dishonest or fraudulent intention, as required to constitute the offences under Sections 406 and 506 PPC, existed at the at the inception of the transaction is a matter which requires evidence and deeper appreciation at the trial. The alleged offence does not fall within the prohibitory clause of Section 497, Cr.P.C., and the case of the applicant, therefore, calls

for further inquiry within the meaning of subsection (2) of the said provision. When the case calls for further inquiry into guilt of accused within the meaning of Section 497(2) Cr.P.C., the accused is entitled to bail as of right. Reliance is placed on the case of *Salman Mushtaq & others v. The State through P.G Punjab and another* (2024 SCMR 14) wherein Hon'ble Supreme Court has held as under:-

“6.While considering the grounds agitated for enlargement on bail, whether pre-arrest or post-arrest, the atrociousness, viciousness and/or gravity of the offence are not, by themselves, sufficient for the rejection of bail where the nature of the evidence produced in support of the indictment creates some doubt as to the veracity of the prosecution case. Therefore, where, on a tentative assessment, there is no reasonable ground to believe that the accused has committed the offence, and the prosecution case appears to require further inquiry, then in such circumstances the benefit of bail may not be withheld as a punishment to the accused.....”

8. In view of the above facts and circumstances, interim pre-arrest bail already granted to the applicant/accused vide order dated 18.08.2025 was confirmed on the same terms and conditions by a short order dated 05.11.2025, and these are the reasons for the same.

9. The applicant shall attend the trial regularly and shall not misuse the concession of bail; any violation shall entail cancellation of bail according to law. The observations made herein are tentative in nature and shall not prejudice either party at trial.

JUDGE

Ayaz Gul