

IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No. 3596 of 2025

Before:

Justice Zafar Ahmed Rajput, CJ
Justice Jan Ali Junejo

Applicant : Mst. Samreen Khan w/o Mateen Khan,
though, Ms. Aanisa Gouri, advocate.

Respondent : The State, through Mr. Khaleeq Ahmed,
DAG.

Complainant : Moazzam Ali s/o. Gul Hassan Qureshi,
through Mr. Mukesh Kumar Talreja,
advocate.

Date of hearing : 04.02.2026
Date of order : 04.02.2026

ORDER

ZAFAR AHMED RAJPUT, CJ: - Having been rejected her earlier application for grant of post-arrest bail, vide order dated 11.10.2025, passed by the Special Court (Offences in Banks) Sindh at Karachi (**“Trial Court”**) in Case No. 20 of 2025, arisen out of FIR No. 361 of 2025 registered at PS Qasimabad, Hyderabad under sections 419, 420, 468, 471 & 34, PPC, applicant, Mst. Samreen Khan w/o Mateen Khan, through the instant CrI. Bail Application seeks the same relief from this Court.

2. Brief facts of the case, as narrated in the FIR lodged on 29.07.2025 by the complainant Moazzam Ali s/o. Gul Hassan Qureshi, Operation Manager, Faysal Bank, Naseem Nagar Branch, Hyderabad, are that on the said date, at about 1445 hours, three women entered the bank premises intending to deposit Rs. 15,000/- in a joint account held under the name of Samreen Khan and Amna Jamaluddin; however, their biometric verification failed and their biometric data was found to be fraudulent. On inquiry by the head office, it revealed that the said three women were allegedly involved in substantial frauds at other branches, including a fraud

of Rs.44,775,000 committed at the Gulshan Chowrangi Branch and Rs.762,681 at the Nazimabad Branch. On query, one woman disclosed her name as Samreen Khan w/o Muhammad Mateen Khan (*Applicant*), another woman who produced CNIC of Amna w/o Jamaluddin disclosed her real name as Parveen w/o Shafiq Ahmed, while the third one identified herself as Noshin w/o Khalil Rehman Siddiqui. All three women in connivance with each other by using CNIC of Amna w/o Jamaluddin committed fraud; hence, the instant FIR was lodged. Afterward, the investigation was transferred to FIA CBC, Karachi.

3. Learned counsel for the applicant has contended that the applicant is innocent and has falsely been implicated in this case, and without trial she is confined in jail; that no direct or indirect evidence is available with the prosecution to connect the applicant with the commission of alleged offence; that the alleged offence does not fall within the prohibitory clause of section 497, CrPC; that co-accused Noshin has already been granted bail by the Trial Court, vide Order dated 01.11.2025, and accused Mst. Parveen has been admitted to bail by this Court, vide Order dated 02.12.2025; as such, on merit as well as on the rule of consistency, the applicant is also entitled to the concession of bail.

4. Conversely, learned DAG as well as learned counsel for the complainant have opposed the grant of bail to the applicant by maintaining that she is involved in an offence of financial deception and forgery; that the Apex Courts of the country have discouraged the concession of bail in such like cases; as such, the applicant is not entitled to the concession of bail.

5. Heard, record perused.

6. It reflects from the perusal of the record that the applicant lady has been confined in judicial custody since the day of her arrest i.e. 29.07.2025. The first IO submitted the interim challan on 26.08.2025. Subsequently, on 11.09.2025, the investigation was transferred to FIA, CBC, Karachi; however, till date charge-sheet has not been submitted by the FIA before the Trial Court; hence, the applicant is confined in jail without a trial. It may be observed that the Constitution of the Islamic Republic of Pakistan, 1973 guarantees the fundamental rights of security of person/personal liberty (*Article 9*) and the right to a fair/speedy trial and due process (*Article 10-A*). The prolonged incarceration of the applicant without trial violates the fundamental right of an accused to a fair/speedy trial and due process. It may further be observed that if the investigation is not completed and the charge-sheet is not filed within stipulated period/days against an accused to stand his trial, the accused has an “indefeasible right”, rooted in the right to personal liberty, to default/compulsive bail, regardless of the merits of the case.

7. There is another aspect of the case. The absence of a charge-sheet before the Trial Court, which could persuade it to consider the nature of the criminality of the applicant, at least shows that there are sufficient grounds for further inquiry into the guilt of the applicant. The very fact that the police/FIA has taken months to investigate the truth or otherwise of the FIR would indicate that there is a case for further inquiry and would therefore, fall within the purview of sub-section (2) of section 497, CrPC.

8. Accordingly, the instant application is allowed and in result thereof the applicant is admitted to post-arrest bail in aforesaid crime/offence subject to furnishing by her solvent surety in the sum of Rs.300,000/- (*Rupees Three Hundred Thousand Only*) and P.R. Bond for like amount to the satisfaction of the Trial Court.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the Trial Court while deciding the case of the applicant on merits and if the applicant in any manner tries to misuse the concession of bail, it would be open for the Trial Court to cancel her bail after issuing her the requisite notice.

10. Above are the reasons of our short order, dated 04.02.2026

CHIEF JUSTICE

JUDGE

Athar Zai