

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No. 608 of 2026

Applicant : Ayaz Zahid through Mr. Muhammad Ibrar Arain, Advocate.

Respondents : The State through Mr. Muhammad Noonari, Deputy P.G. Sindh

Date of hearing : 17.03.2026.

Date of order : 17.03.2026.

ORDER

TASNEEM SULTANA, J.— Through this Criminal Bail Application, the applicant Ayaz Zahid seeks post-arrest bail arising out of FIR No. 639 of 2025 registered under Sections 420, 468, 34 P.P.C. at Police Station Awami Colony, Karachi. Having been rejected his earlier post-arrest bail application No. 5883 of 2025 passed by the learned IXth Additional Sessions Judge, Karachi East, vide order dated 10.12.2025, hence this application for the same concession.

2. Brief facts of the prosecution case are that the complainant Mst. Ayesha Bano allegedly purchased a residential house bearing No. L-224, Block-B, Sector-10, Bagh-e-Korangi measuring 40 square yards for a sum of Rs.1,600,000/- from accused Ayaz Zahid, in presence of co-accused Muhammad Zain (present applicant) and Muhammad Danish. Subsequently, it transpired that the property allegedly belonged to one Mst. Nasim Akhtar, and the documents on the basis whereof the transaction had been affected were stated to be forged. It is alleged that accused persons namely Ayaz Zahid, Muhammad Zain, Muhammad Danish and Shahid, in furtherance of their common intention, deceived the complainant and later dispossessed her, whereafter the instant FIR was registered.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated; that the applicant neither prepared any forged document nor received the sale consideration; that the principal role is attributed to co-accused Zain, who allegedly received the entire amount; that a video recording exists showing payment being made to co-accused; that the applicant merely acted as a middleman; that there is an unexplained delay of about six months in lodging the FIR; that the matter is predominantly of civil nature arising out of property dispute; and that the case of applicant squarely falls within the ambit of further inquiry under Section 497(2) Cr.P.C.

4. Conversely learned D.P.G opposed the bail application on the ground that the applicant is specifically nominated in the FIR and actively participated in the alleged fraudulent transaction, hence sufficient material is available on record connecting him with the commission of offence.

5. Heard. Record perused.

6. Perusal of the record reflects that the allegation arises out of a property transaction wherein the role of the present applicant requires determination based on evidence. The role attributed to the present applicant appears to be that of facilitation/intermediary; however, whether such role translates into criminal liability, particularly about the alleged preparation or use of forged documents, cannot be conclusively determined at this stage. It further appears that the case is predominantly founded upon documentary material; investigation has been completed and challan has been submitted; no recovery is shown to be outstanding from the applicant; and there is considerable delay of about six months in lodging the FIR, which has not been satisfactorily explained. The record also reflects existence of dispute regarding ownership and possession of the property. In the tentative assessment of this Court, these aspects require deeper appreciation of evidence. The cumulative effect of the above circumstances brings the case within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C.

7. The offences alleged do not fall within the prohibitory clause of Section 497 Cr.P.C., and thus, the rule of grant of bail is to be considered more liberally. No previous criminal record of the applicant has been brought on record, making him a first offender.

8. In view of above facts and circumstances, the instant bail application was allowed, and the applicant Ayaz Zahid was admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousands only) and P.R bond in the like amount to the satisfaction of learned trial Court. These are reasons of short order dated 17.3.2026.

9. The observations made herein above are tentative in nature and shall not prejudice the case of either party at trial.

JUDGE