

IN THE HIGH COURT OF SINDH AT KARACHI.

Cr. Bail Appln. No. 2457 of 2026.

Applicant : Shahid through Mr. Afzal Yaqoob Kanboh, Advocate.
Respondent : The State through Mr. Mumtaz Ali Shah, A.P.G.
Date of hearing : 09.3.2026.
Date of order : 09.3.2026.

ORDER.

TASNEEM SULTANA-J.:- Through this Criminal Bail Application, the applicant seeks pre-arrest bail arising out of FIR No. 701/2025 registered under Sections 420, 406, 506, 34 PPC at P.S. Steel Town, Karachi. Having been rejected his earlier post arrest bail application No.4137/2025 passed by learned Additional Sessions Judge-VII, Malir Karachi vide order dated 16.09.2025, hence this application for the same concession.

2. Brief facts of the prosecution case are that the complainant Ghulam Muhammad engaged in private business and that his nephew Amir Ali had entered into an agreement with Muhammad Wajid for running a cold drink and Lays chips business under the name and style of Haq Beverage Agency at Haji Chanji Khan Goth, near Hussaini Chowk, Malir Karachi, wherein Amir Ali invested Rs. 11,00,000/-, Sajid Ali and Wahid Rs. 200,000/-, Mohrab Ali Rs. 600,000/-, Sadam Hussain Rs. 150,000/-, Hassan Khoso Rs. 800,000/-, Shabbir Rs. 250,000/-, and Muhammad Bux Khoso Rs. 100,000/-, and it was further stated that initially the business was running satisfactorily and payments were made to Muhammad Wajid as well as to Muhammad Shahid and his friend Amir Mustafa through accounts on his instructions, however, about five months prior to lodging of FIR, on 02.05.2025 at about 04:00 p.m., Muhammad Wajid along with his companions allegedly wound up the shop/office and disappeared along with the invested amount, and despite efforts the complainant could not trace them, thereafter he informed the police and also filed a petition, and upon direction of the Court approached the police station for registration of FIR, alleging that the accused persons had committed cheating, fraud and misappropriation of the invested amount.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case; that no specific role has been assigned to the applicant in the FIR and the entire allegation mainly revolves around co-accused Muhammad Wajid; that no direct entrustment or receipt of the alleged amount has been attributed to the applicant, nor has any active role been assigned to him in the alleged transaction; that the dispute admittedly arises out of a business arrangement, which essentially constitutes a civil dispute but has been given a criminal colour to harass and pressurize the applicant; that the alleged offences do not fall within the prohibitory clause of Section 497 Cr.P.C.; and that the case of the applicant falls within the ambit of further inquiry in terms of Section 497(2) Cr.P.C. and prayed for concession of bail.

4. Conversely, learned A.P.G. opposed the grant of bail and contended that the applicant, along with co-accused persons, was involved in the business and benefited from the amount invested by the complainant party therefore, sufficient material is available on record to connect him with the commission of offence.

5. Heard. Record perused.

6. Perusal of the record reflects that the main allegation of cheating and misappropriation is attributed to co-accused Muhammad Wajid. The role assigned to the present applicant appears to be general in nature, without any specific allegation of entrustment or direct receipt of the alleged amount. No material has been brought on record at this stage to establish any nexus of the applicant with the alleged transaction.

7. Prima facie, the dispute appears to have arisen out of a business arrangement, which pertains to a civil controversy between the complainant and co-accused Muhammad Wajid. The question as to whether the applicant had any active role in the alleged offence requires deeper appreciation of evidence, which is a matter for trial. Thus, the case of the applicant falls within the scope of further inquiry as envisaged under Section 497(2), Cr.P.C.

8. It is also an admitted position that the alleged offences do not fall within the prohibitory clause of Section 497, Cr.P.C. It is a settled principle of law that in such offences, grant of bail is a rule and refusal is an exception. The Honourable Supreme Court has time and again held that in offences not falling within the prohibitory clause, bail should ordinarily be granted unless exceptional circumstances exist, which are lacking in the present

case. Reliance is placed on the cases of Tariq Bashir and others v. The State (PLD 1995 SC 34) and Muhammad Tanvir v. The State (PLD 2017 SC 733).

9. In view of the above facts and circumstances, the applicant has succeeded in making out a case of further inquiry within the meaning of Section 497(2), Cr.P.C. Consequently, the instant bail application is allowed and the interim pre-arrest bail granted to the applicant Shahid vide order dated 20.09.2025 is confirmed on the same terms and conditions. These are the reasons for my short order dated 09.03.2026.

10. Needless to say that the observations made hereinabove are tentative in nature and shall not prejudice the case of either side at trial.

JUDGE

Nadeem