

IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No.927 of 2026

Cr. Bail Application No.937 of 2026

Applicants : i. Umar Saleem Bhatti s/o Saleemullah
Through M/S Mian Ali Ashfaq and
Saqib Soomro, Advocates

ii. Dr. Muhammad Asghar Zia s/o Allah
Rakha
Through M/S Muhammad Asad
Ashfaq Tola and Mir Moula Bux
Advocates

Respondent : The State
Through Mr. Dur Muhammad Shah DAG
a/w Umayad Arshad Butt, Assistant
Director FIA Corporate Crime Circle I.O.

Date of hearing : 07.05.2026
Date of order : 07.05.2026

ORDER

MIRAN MUHAMMAD SHAH, J:- This order disposes of the two captioned criminal bail applications filed by applicants Umar Saleem Bhatti and Dr. Muhammad Asghar Zia, seeking post-arrest bail arising out of the same crime, i.e., Crime No. 05/2026, registered at Police Station FIA Corporate Crime Circle, Karachi, under Sections 409, 420, 468, 471, 109 & 34 PPC. Therefore, for the sake of convenience, consistency, and to avoid conflicting findings, both applications are being decided through this single consolidated order. The earlier bail applications filed by the applicants for the same relief was dismissed vide order dated 17.03.2026, passed by the learned Court of Special Judge (Central-I), Karachi.

2. The facts of the case are need not to be reproduce herein, as the copy of FIR is attached with the bail application and the facts are also stated in detail therein.

3. Heard learned counsel for the applicants, learned DAG as well as I.O., and perused the record.

4. During the course of arguments, certain points were admitted by the Investigating Officer. With regard to the delay of more than seven years in conducting the enquiry, the Investigating Officer was unable to furnish any plausible explanation as to why such an extraordinary delay had occurred. It is settled law that an enquiry cannot be prolonged for an indefinite period without lawful justification. In the present case, after an unusually delayed enquiry, the F.I.R. was lodged, which prima facie appears to be an irregularity that has remained unexplained by the prosecution. It further transpires from the record that the entire enquiry is based upon a photocopy of a document. In this regard, the Investigating Officer produced a letter allegedly issued by applicant Umar Saleem Bhatti, who was serving as Section Officer in the Ministry of Commerce. Admittedly, no allegation of any financial gain, has been attributed to the said applicant. The principal allegation against the applicants is that livestock was exported in contravention of the relevant rules and procedure. However, it is also an admitted position that the export of the livestock was permitted on the request of foreign diplomatic dignitaries, and the concerned embassies were granted exemption with regard to such export. Thus, the factum of export is not denied by the prosecution. However due to intervention of the foreign mission perhaps seems the procedure was cut short and in urgent manner the export permission was issued. The record reveals that no substantial material is available against the applicant except the aforesaid letter allegedly issued by applicant Umar Saleem Bhatti. Significantly, no forensic examination or verification of the said document has yet been conducted, despite the fact that the investigation has been completed, the F.I.R. has been registered, and challan has already been submitted before the learned trial Court, while the applicants/accused are yet behind the bars.

5. So far as the case of applicant Dr. Muhammad Asghar Zia in Cr.B.A. No.937 of 2026 is concerned, prima facie, no direct role has been assigned to him except that, in his official capacity, he was required under the law to issue

a medical/fitness certificate regarding the livestock being exported, which he issued. Therefore, the question of his implication in the present case appears to be doubtful, and any such doubt, at this stage, would go in favour of the applicant. Even otherwise, in offences of the present nature, strong, cogent and confidence-inspiring evidence is required to establish the guilt. At present, such evidence appears to be lacking on the record, thereby bringing the matter within the ambit of further enquiry as contemplated under Section 497(2), Cr.P.C. Besides this, the alleged offences do not fall within the prohibitory clause of Section 497, Cr.P.C., and it is a settled principle of law that in offences falling outside the prohibitory clause, grant of bail is a rule and refusal is an exception.

6. In view of the foregoing circumstances, this Court is of the considered view that the present applicants have successfully made out a case for grant of post-arrest bail on the ground of further enquiry. Consequently, both the bail applications are allowed, and the applicants, namely Umar Saleem Bhatti in Cr.B.A. No.927 of 2026 and Dr. Muhammad Asghar Zia in Cr.B.A. No.937 of 2026, are admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) each and P.R. bonds in the like amount to the satisfaction of the learned trial Court.

7. Needless to mention here that the observations made herein above are tentative in nature and would not influence the trial court while deciding the case of the applicants on merits.

Office is directed to place assigned copy of this order in the captioned connected matter.

JUDGE

