

IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.2976 of 2025

Applicant : Muhammad Saad s/o Abdul Muqet
Through Mr. Ahteshamullah Khan,
Advocate

Complainant : Nasrullah Khalid
Through Mr. Fakir Ghazi Darban Hisbani,
Advocate

Respondent : The State
Through Mr. Zahoor Ahmed Shah, APG

Date of hearing : 23.04.2026
Date of order : 23.04.2026

ORDER

MIRAN MUHAMMAD SHAH, J:- Through captioned criminal bail application, the applicant Muhammad Saad s/o Abdul Muqet, seeks pre-arrest bail in Crime No.153 of 2025, registered at Police Station Ferozabad Karachi, under section 406, 34 PPC. Earlier his bail application was dismissed by learned Additional Sessions Judge-IV, Karachi East, vide order dated 24.10.2025. He was admitted to interim pre-arrest bail by this court, vide order dated 30.10.2025, and the matter is now fixed for confirmation of the same or otherwise.

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 applicant, learned counsel for the complainant, learned APG and perused the record.

4. From plain reading of the FIR and the record, it appears that the dispute between the parties arises out of a business transaction. Admittedly, due to lack of evidence and documentary proof, the learned Magistrate has

already acquitted the co-accused who faced trial, while the case of the absconding accused was kept on dormant file. Learned counsel for the applicant has denied the allegation of absconsion stating that the applicant was only securing himself from humiliation, as the local police, at the behest of the complainant, was bent upon arrest him. It appears that it is purely a dispute of civil nature, which has been given a criminal color with mala fide intention which is also evident from the fact of acquittal of the co-accused. Even otherwise, the offence under Section 406 PPC is punishable with imprisonment up to three years and does not fall within the prohibitory clause of Section 497 Cr.P.C. and in such cases bail is a rule and refusal is an exception. The applicant, after obtaining interim pre-arrest bail, has surrendered himself before the trial Court and is regularly attending the proceedings. There is nothing on record to suggest that he has misused the concession of interim pre-arrest bail. In these circumstances, the interim pre-arrest bail granted to the applicant vide order dated 30.10.2025 is hereby confirmed on the same terms and conditions.

5. Needless to mention here that the observation made herein above are tentative in nature and would not influence the trial court while deciding the case of the applicant on merits. However, in case the applicant misuses the concession of bail in any manner, the trial court shall be at liberty to cancel the same after giving him notice, in accordance with the law.

Criminal bail application stands disposed of.

JUDGE