

IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.3495 of 2025

Applicant : Muhammad Saleem Zakariya
s/o Zakariya
Through Mr. Anand. P. Kamrani,
Advocate

Complainant : Muhammad Rizwan
Through Mr. Wajid Ali Jokhio,
Advocate

Respondent : The State
Through Ms. Robina, DPG

Date of hearing : 09.04.2026
Date of order : 09.04.2026

ORDER

MIRAN MUHAMMAD SHAH, J:- Through captioned criminal bail application, applicant Muhammad Saleem Zakariya s/o Zakariya, seeks pre-arrest bail in Crime No.195 of 2025, registered under section 406, PPC, at Police Station Meethadar, Karachi. Prior to this he has approached to the court of learned Additional Sessions Judge-I, Karachi, south for the same relief but it was declined vide order dated 15.12.2025. He was admitted to interim pre-arrest bail by this court, vide order dated 17.12.2025, 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 and record perused.

4. The dispute arising out of business transactions between the parties relating to alleged entrustment and subsequent misappropriation of property. The offence under Section 406, P.P.C. carries punishment up to three years and do not fall within the prohibitory clause of Section 497,

Cr.P.C., where the rule is grant of bail and refusal is an exception. Moreover, the determination of questions of entrustment, breach of trust, and alleged dishonest intention essentially involves appreciation of evidence, which cannot be undertaken at the bail stage. Such matters require strict scrutiny and are to be resolved upon recording of evidence during trial. It is also noted that there is nothing on record to suggest misuse of the concession of interim pre-arrest bail or likelihood of abscondence on the part of the applicant. The case has already been challaned, charge has been framed, and the matter is fixed for recording of evidence. In these circumstances, the applicant has succeeded in making out a case for confirmation of pre-arrest bail. Consequently, the interim pre-arrest bail already granted to the applicant 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

