

# THE HIGH COURT OF SINDH AT KARACHI

**Criminal Bail Application No.1330 of 2026**

**a/w**

**Criminal Bail Application No.978 of 2026**

Applicant : Babar Ghouri S/o. Muhammad Akbar  
[in Cr.B.A No.1330/2026] Through Mr. Ahsan Ali, advocate

Applicant : Asif Hussain S/o. Riaz Hussain  
[in Cr.B.A No.978/2026] Through Mr. Muhammad Baqar Mehdi, advocate

Complainant : Haji Usman Khan  
Son of Abdul Rehman  
Through Mr. Aamir Tabbasum, advocate

The State : Mr. Sharafuddin Kanhar, Assistant  
Prosecutor General, Sindh a/w SI-  
Syed Abad Haider, Investigation  
Officer.

Date of hearing : 15.06.2026.

Date of Order : 15.06.2026.

## ORDER

**Jan Ali Junejo, J**-- Through this common order, I intend to decide the above captioned bail applications, as they arise out of same incident.

2. Through these bail applications, applicant Babar Ghouri [in Cr. B. A No. 1330/2026] and applicant Asif Hussain [in C. B. A No. 978/2026] seek post arrest bail in Crimes No.914/2025 under Section 406/420/34 PPC registered at police station Zaman Town, Karachi. The applicants have approached this Court being aggrieved by the order dated 28.04.2026 and 19.03.2026, respectively, passed by the learned Additional Sessions Judge-IV, Karachi East whereby their bail applications were declined.

3. The prosecution case, in brief, is that the complainant Haji Usman Khan son of Abdul Rehman Khan residing at the address mentioned in Column No. 2 along with his family is engaged in the business of buying, selling, and renting out vehicles. Some time ago, two persons, namely Adeel Ghouri and Babar Ghouri, both sons of Akbar Ghouri, approached him for renting a house for their family. Accordingly, he rented out his

house bearing No. 223/224, Sector 33/D, Korangi No. 2½, Karachi, to them, and a tenancy agreement was executed at his office situated on Ghaus Pak Road, Korangi, Karachi. On 10.09.2025, he also entered into an agreement with them whereby, as they were engaged in the business of renting vehicles under the name "VIP A Car" and he was also involved in the same business, he handed over twelve vehicles and three motorcycles to them on rent for a period of one year. Some of the vehicles were registered in his name, while for others he possessed sale receipts. The arrangement continued smoothly and he regularly received rent from them. After some time, Adeel and Babar Ghouri requested that the vehicles be transferred into their names, claiming that they were facing difficulties due to the existing arrangements. They subsequently arranged a meeting between the complainant and one Asif at the complainant's office on Ghaus Pak Road, Korangi, where, due to his illness and inability to move about freely, he handed over nine files relating to his vehicles and one motorcycle. Thereafter, on 10.06.2026, Adeel and Babar Ghouri informed the complainant that they intended to shift their residence. Although he initially became suspicious, they showed him the house to which they were shifting and introduced him to the owner thereof, which temporarily satisfied him. Subsequently, when they failed to pay rent for two to three days, he again became suspicious and contacted them, but they continued to give false assurances. After about ten days, with the assistance of his son, he visited their shop and learned that they had vacated the premises, while their mobile phone numbers had also been switched off. He then realized that Adeel Ghouri, Babar Ghouri, and their associate Asif had allegedly hatched a pre-planned scheme to deceive him by first renting his house, establishing business relations with him, obtaining possession of twelve vehicles and three motorcycles, and later acquiring the relevant files and documents. According to the complainant, they jointly defrauded him and disappeared from both the rented house and their business premises. He further apprehended that they might misuse his vehicles or employ them for illegal activities. The details of the vehicles are as follows: (1) Registration No. AWW-255, Toyota, Model 2011/2012; (2) Registration No. R-4444, Suzuki Mehran, Model 1990; (3) Registration No. AHT-402, Suzuki Cultus, Model 2007; (4) Registration No. AED-041, Honda Civic, Model 2002; (5) Registration No. BQQ-900, Daihatsu Mira, Model 2017/2020; (6) Registration No. GB-4209, Nissan Juke, Model 2010/2017; (7) Registration No. BCM-989, Suzuki Alto; (8)

Registration No. APJ-551, Suzuki Cultus, Model 2008; (9) Registration No. CR-4540, Suzuki Van, Model 2007; (10) Registration No. ANG-511, Suzuki Cultus, Model 2007; (11) Registration No. CV-7311, Nissan Clipper, Model 2010/2016; and (12) Registration No. CU-4656, Daihatsu Hijet, Model 2009/2013. The motorcycles are: (1) Registration No. KLU-636, Suzuki GR-150, Model 2018; (2) Registration No. HDL-4936, Honda CD-70, Model 1995; and (3) Registration No. KGE-7321, Habib 70, Model 2012. The complainant, therefore, approached the Police Station and submitted an application seeking legal action against the aforesaid persons in accordance with law; hence, the instant FIR.

4. Learned counsel for the applicant in Cr. Bail Application No. 1330/2026 contended that the applicant has been falsely implicated in the present case and that the impugned orders passed by the learned courts below suffer from misreading and non-reading of the available material. He further contends that the alleged dispute arises out of a contractual and commercial transaction, thereby giving the matter a predominantly civil complexion, which has been given a criminal colour to exert pressure upon the accused. Learned counsel further argues that no specific role has been attributed to the applicant in the FIR, the alleged rental agreements forming the foundation of the prosecution case have not been produced, and the essential ingredients of Sections 406 and 420, P.P.C. are not prima facie attracted against him. He points out that the FIR was lodged after an unexplained delay of about thirteen months, while the alleged recoveries were neither effected from the possession of the applicant nor at his pointation. He further submits that the applicant is merely the brother of the principal accused, has no connection with the alleged business dealings, and has been implicated due to the absconsion of the co-accused. Learned counsel maintains that the offences fall within the non-prohibitory clause of Section 497, Cr.P.C., the investigation has already been completed and challan submitted, there is no likelihood of the applicant absconding or tampering with the prosecution evidence, and the case, at the very least, calls for further inquiry within the meaning of Section 497(2), Cr.P.C. He therefore prays for the grant of post-arrest bail to the applicant.

5. Learned counsel for the applicant in Cr. Bail Application No. 978/2026 contended that the applicant is innocent and has been falsely implicated due to mala fide intentions, while the learned court below

failed to properly appreciate the facts and grounds raised in the bail application. He contends that the vehicle mentioned in the FIR is not registered in the name of the complainant, thereby creating serious doubt regarding the prosecution story. He further argues that the dispute, if any, pertains to vehicle transactions and transfer of ownership and is essentially of a civil nature, which has been given a criminal colour to harass and blackmail the applicant. Learned counsel also points out the unexplained delay of in lodging the FIR, which adversely affects the credibility of the prosecution case. He submits that, according to the FIR itself, the complainant voluntarily handed over the vehicle file and no direct evidence has been brought on record connecting the applicant with the alleged offence. It is further contended that no specific role has been assigned to the applicant, no recovery has been effected from his possession, no independent witness has been associated by the prosecution, and the applicant has no previous criminal record. Learned counsel maintains that the investigation has been completed, challan has been submitted, and the applicant is no longer required for investigative purposes. He lastly submits that the alleged offences do not fall within the prohibitory clause of Section 497, Cr.P.C., and that the case, at the very least, calls for further inquiry within the meaning of Section 497(2), Cr.P.C.; therefore, the applicant is entitled to the concession of post-arrest bail.

6. Conversely, the learned Assistant Prosecutor General Sindh assisted by learned counsel for complainant opposed present Cr. Bail Applications vehemently and rigorously on variety of the grounds. They further added that applicants was prima facie connected with the crime on the strength of the material collected by the Investigating Officer, as such they were not entitled to extra ordinary relief, which was available only for innocent people.

7. I have heard learned counsel for the applicants, learned Assistant Prosecutor General Sindh assisted by learned counsel for the complainant, and have carefully examined the material available on record.

8. A tentative assessment of the record reflects that the prosecution case stems from a business arrangement entered into between the complainant and the principal accused persons regarding the renting of vehicles and motorcycles. The allegations mainly revolve around the

entrustment of vehicles, execution of rental arrangements, transfer of documents, and the subsequent failure of the accused persons to return the vehicles and continue the agreed business relationship. At this stage, it appears that the dispute has arisen out of contractual and commercial dealings between the parties, which admittedly remained in operation for a considerable period during which the complainant was receiving rent from the accused persons. Whether the transaction was accompanied by dishonest intention from its inception, so as to attract the provisions of Sections 406 and 420, P.P.C., or whether it essentially constitutes a dispute arising from business and contractual obligations, are questions requiring deeper appreciation of evidence, which can only be undertaken during trial.

9. It is further noted that the FIR has been lodged after a considerable delay. The record prima facie reflects that despite the complainant's own assertion that the accused persons had stopped making payments and had vacated their business premises, the matter was reported to the police after substantial lapse of time. At least tentatively, such delay has not been satisfactorily explained and is a circumstance which warrants further probe during trial. It is a settled principle of law that unexplained delay in setting the criminal law into motion adversely affects the evidentiary value of the prosecution version and may constitute a ground for further inquiry.

10. So far as applicant Babar Ghouri is concerned, no specific allegation demonstrating active participation in the alleged misappropriation has been highlighted beyond the general allegation that he was associated with the business arrangements entered into with the complainant. Likewise, in the case of applicant Asif Hussain, the prosecution case itself suggests that his alleged role is confined to a meeting during which certain vehicle files were handed over by the complainant. Whether such act by itself constitutes the commission of offences under Sections 406 and 420, P.P.C. is a matter requiring evidence and adjudication by the trial Court. At this stage, the precise extent of involvement of both applicants appears to be a question requiring further inquiry within the meaning of Section 497(2), Cr.P.C.

11. Admittedly, the offences under Sections 406 and 420, P.P.C. do not fall within the prohibitory clause of Section 497, Cr.P.C. It is by now a settled proposition of law that in offences falling outside the prohibitory clause, grant of bail is a rule and refusal is an exception unless exceptional circumstances are shown to exist. No material has been placed before this Court to indicate that the applicants are previous convicts, hardened criminals, or that their release on bail would prejudice the prosecution case in any manner.

12. Because of the above factual and legal position, the applicants are found entitled to the relief of bail under to Section 497(2) Cr.PC, including the reasons recorded hereinabove.

13. For the reasons discussed above, the applicants have succeeded in making out a case for the concession of post-arrest bail. Accordingly, these Criminal Bail Applications are allowed, and the applicant *Babar Ghouri son of Muhammad Akbar [in Cr. B.A No.1330/2026]* and *Asif Hussain son of Riaz Hussian [in Cr. B.A No.978/2026]* are admitted to post-arrest bail subject to their furnishing surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) each and a P.R. bond in the like amount to the satisfaction of the learned trial Court. The observations made herein are tentative in nature and confined solely to the purpose of this Order. They shall not prejudice or influence the learned trial Court while deciding the case on merits.

These are the detailed reasons for the short order dated 15.06.2026.

**JUDGE**