

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 907/2026

Applicant : Arshad Majeed son of Majeed Khan
Through Mr. Z.U Mujahid & Muhammad
Zaheer, Advocates

Complainant : Muhammad Ameen
Through Mr. M. Asif Qureshi, Advocate

Respondent : The State
Through Mr. Muhammad Mohsin Mangi, APG

Date of hearing : 18-05-2026

Date of order : 18-05-2026

ORDER

KHALID HUSSAIN SHAHANI, J. – The third of three connected bail applications filed simultaneously before this Court, the present Bail Application No. 907 of 2026, is moved under Section 498 Cr.P.C. seeking confirmation of the pre-arrest bail of the applicant/accused Arshad Majeed in FIR No. 754/2020 registered at Police Station Preedy, Karachi South, under Sections 420, 468, 471, and 34 PPC. The interim pre-arrest bail was granted by the learned Court below vide order dated 24.01.2026 but was recalled upon dismissal of the confirmation application by the learned III Additional District and Sessions Judge, Karachi South, vide order dated 10.03.2026. The applicant now seeks confirmation before this Court.

2. The facts narrated in FIR No. 754/2020 are distinct from, though rooted in the same commercial relationship as the facts underlying FIRs No. 324/2019 and 435/2019. According to the complainant, he runs a business dealing in generators and had a long-standing acquaintance with Mustafa Majeed and the present applicant Arshad Majeed since 2006. In 2018, he arranged a VIP Short Hajj package through Karwan-e-Sabri International Travels and Tours against a total consideration of Rs. 50 lakh, issuing six cheques (Nos. 0326679 to 0326684) drawn on Summit Bank, Electronics Market Branch, against which a receipt bearing No. 1697 was furnished by the travel agency. The company was subsequently blacklisted by the Ministry of Religious Affairs and Interfaith Harmony and

the FIA registered FIR No. 201/2018 against the accused, which resulted in the applicant's arrest by the FIA. The complainant claims that when he later demanded the return of his cheques, the accused furnished an undertaking in the presence of witnesses, to the effect that the cheques were lost and would not be utilized. However, on 03.06.2020, he was informed by his bank that two of those cheques Nos. 0326684 and 0326681, each of Rs. 9 lakh had been presented for clearing with the dates altered and signatures forged. The police investigation under the charge sheet submitted under Section 173 Cr.P.C. confirmed that date tampering and signature forgery had been carried out. The FIR was registered on 04.07.2020, about one month after the discovery of the alleged act of forgery.

3. Learned counsel for the applicant submitted before this Court that the applicant is innocent and has been falsely implicated in this case as an extension of the pre-existing commercial dispute between the parties. He argued with force that there are two civil suits pending between the parties Suit No. 344/2020 before the XV Senior Civil Judge, Karachi South, concerning business disputes, and Suit No. 345/2020 before the XXIII Civil Judge, Karachi South, for the cancellation of the very cheques that form the subject matter of this FIR which demonstrates that the complainant himself perceives the controversy as civil in character even while pursuing criminal proceedings to create parallel pressure. He argued that the claim that the Hajj package was arranged for Rs. 50 lakh is entirely unsupported by any Hajj forms, booking records, or package receipts, and that no documentary proof of payment of any such amount was produced during investigation. He pointed to the same pattern of multiple FIRs lodged by the same complainant at different police stations and at staggered intervals, relying on 2025 MLD 1720 and 2025 YLR 1016. He also highlighted that the complaint of forgery arose some two years after the original transaction, raising a legitimate question about the timing and motivation of the present FIR. The medical record filed by the applicant in respect of his cardiac and ocular conditions, the same record presented in Bail Applications No. 906 and 907 of 2026, was relied upon to invoke the first proviso to Section 497(1) Cr.P.C. and the authority of PLD 2022 SC 764. He argued that the voluntary surrender of the applicant and his engagement with the trial and investigation proceedings

demonstrate good faith, and invoked 2025 P.Cr.L.J. 98 for the proposition that mere earlier absconding on account of medical reasons does not, in the face of a meritorious case, preclude the grant of pre-arrest bail. The co-accused Mustafa Majeed has been granted bail in this very FIR No. 754/2020 by the learned VI Judicial Magistrate, Karachi South, vide order dated 10.04.2026, which the learned counsel urged is a cogent basis for extending the same relief to the present applicant. He further relied upon 2023 SCMR 748 and 2024 SCMR 1567.

4. Learned counsel for the complainant opposed the bail application with the submission that the present FIR discloses a far graver offence than the earlier cheque dishonour matters, as the accused stand charged with cheating (Section 420 PPC), forgery (Section 468 PPC), and using forged documents as genuine (Section 471 PPC) — all of which, he argued, demonstrate a calculated and premeditated fraudulent scheme. He relied upon the bank report confirming date tampering and forgery of signatures, the receipt No. 1697 confirming receipt of payment, the written undertaking executed by the accused in the presence of witnesses acknowledging possession of the cheques, and the blacklisting order of the Ministry of Religious Affairs. He submitted the same case law citations applicable to Bail Application No. 908 of 2026: 2011 MLD 311, 2011 YLR 863, 2021 PLD 903, 2021 P.Cr.L.J. 886, 2025 P.Cr.L.J. 602, 2011 P.Cr.L.J. 747, and 2008 YLR 1563. He urged that the conduct of the accused across all three FIRs, taken together, demonstrates a course of systematic financial fraud that should weigh decisively against the grant of bail.

5. This Court has carefully considered the submissions of both sides, scrutinized the record, and reflected upon the case law with the seriousness that the nature of the allegations demands. It is appropriate once again to assess, as an anterior exercise, the relationship between the parties and the context in which this FIR was generated. The complainant's FIR No. 754/2020 is the fourth in a sequence of criminal complaints lodged by him over a period stretching from October 2019 to July 2020, all arising from dealings with the applicant's family in the travel and religious tourism business. Even accepting the complainant's narrative at face value for present purposes, it emerges that the parties had an established commercial relationship of many years' standing, that

the financial disputes arose from a volatile business environment in the religious tourism sector, and that the FIA had already prosecuted the accused in FIR No. 201/2018 for analogous conduct before the present complainant filed any of his FIRs. The complainant's reliance on FIA proceedings, the Ministry of Religious Affairs' blacklisting order, and IATA's termination of agency, while not without significance, pertains in the first instance to the company Karwan-e-Sabri International Travels and Tours (Pvt.) Ltd. directed by Mustafa Majeed, not to the applicant's independently constituted entity MMB Travels, the separate legal identity and separate SECP registration of which have been conclusively documented on the record. The pattern of filing four FIRs at four different police stations over the same commercial relationship, together with civil suits seeking the very same relief through the civil courts, discloses a motive beyond the mere vindication of genuine criminal grievance. This Court reiterates the principle in 2025 MLD 1720 that such multiplex criminal proceedings revolving around the same allegations are based on malice and constitute a misuse of the criminal process that the Court of law is bound to scrutinize with the greatest vigilance.

6. Proceeding to the merits of the present FIR, this Court observes that the offences charged Sections 420, 468, 471, and 34 PPC do not fall within the prohibitory clause of Section 497(1) Cr.P.C., inasmuch as none of these offences carries a minimum punishment of ten years. The applicant is accordingly ordinarily entitled to bail unless there are compelling reasons to the contrary. The most serious aspect of this FIR relates to the alleged forgery: the complainant contends that the dates on two cheques were altered and his signatures forged. However, the charge sheet, as disclosed in the record before this Court, names only Mustafa Majeed as the accused against whom proceedings were initiated, while the applicant's name does not appear as a recommended accused in the charge sheet, proceedings having been drawn against him only under Section 512 Cr.P.C. as an absconder. Furthermore, the Charge Sheet No. 703/2020 submitted under Section 173 Cr.P.C. lists only Mustafa Majeed as the accused in Column 2 (accused not recommended for trial, either arrested or absconders), while Column 3 (accused recommended for trial) is shown as NIL. This is a matter that requires careful appreciation at the full-dressed trial stage and cannot be resolved adversely to the applicant

in these proceedings. The argument of the complainant's counsel resting on 2021 PLD 903, 2021 P.Cr.L.J. 886, and 2025 P.Cr.L.J. 602 proceeds primarily on the premise that the accused's conduct disentitles him to bail. As observed in the connected orders passed in Bail Applications No. 906 and 908 of 2026, those authorities are fact-specific and do not establish an inflexible rule; they do not eclipse the equally binding principle in 2025 P.Cr.L.J. 98 that voluntary surrender after earlier absconding, particularly where the absence was medically explained, does not per se disentitle the accused to bail where his case is otherwise meritorious. The principle in 2024 SCMR 1567, that it is constitutionally preferable to err in granting bail than in withholding it, applies here with no less force.

7. This Court further notes that the claim of the complainant that Rs. 50 lakh was paid for a Hajj package is supported in the record only by the receipt No. 1697 and the cheques, without any registration forms, booking confirmations, or rate schedules for the alleged Hajj package. As held in 2023 SCMR 748, where no contemporaneous proof of actual payment by the complainant to the accused is available on record at the bail stage, the ingredients of the relevant offences are not prima facie established to the satisfaction of this Court. The civil suit No. 345/2020 pending before the XXIII Civil Judge, Karachi South, for cancellation of the very subject cheques is yet another indicator of the dual character of these proceedings. It cannot escape notice that the complainant's own undertaking dated 21.04.2026 before this Court specifically placed on record the compromise entered into by the CEO in Suit No. 345/2020, which establishes that the parties have, to some degree, been engaged in extrajudicial settlement of the underlying financial dispute, a fact that lends further weight to the view that the present criminal proceedings are pressure instruments rather than genuine prosecutions. The delay of about one month in lodging the present FIR from the date the complainant discovered the alleged forgery, without explanation for the intervening period is, in terms of 2024 YLR 1144, a circumstance that is prima facie fatal to the prosecution's case and operates in the applicant's favour at this stage. The bail of the co-accused Mustafa Majeed granted by the learned VI Judicial Magistrate, Karachi South, vide order dated 10.04.2026, in this very FIR, is a circumstance that demands, on the

principle of consistency, equal treatment for the present applicant who faces the same charges from the same complainant.

8. Upon a cumulative assessment of all the material before this Court, the non-prohibitory nature of the offences, the absence of the applicant as a recommended accused in the charge sheet, the civil character of the underlying dispute, the pending civil suits for the same relief, the delay in lodging the FIR, the lack of documentary proof of payment, the multiple FIRs bearing the stamp of mala fide, the grant of bail to the co-accused Mustafa Majeed, the serious and documented medical condition of the applicant, and his voluntary submission to the jurisdiction of the Court, this Court is of the firm opinion that the applicant/accused has made out a case of further inquiry under Section 497(2) Cr.P.C. and deserves the concession of pre-arrest bail.

9. The pre-arrest bail of the applicant/accused Arshad Majeed in connection with FIR No. 754/2020 of P.S. Preedy, Karachi South, is accordingly confirmed under same terms and conditions. The applicant/accused shall attend each and every date of hearing before the learned trial Court without default, shall not leave the territorial jurisdiction of this Court without prior permission, and in the event of any breach of these conditions the bail shall be forthwith cancelled. It is clarified that all observations made hereinabove are tentative in nature, restricted solely to the determination of this bail application, and shall not in any manner whatsoever prejudice or influence the learned trial Court in its independent adjudication of the matter on merits.

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