

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.3496 of 2025

Applicant : Abdul Sattar son of Gulam Mustafa
through Mr. Muhammad Jawaid
Tanoli, Advocate

Complainant : Muhammad Shahid son of Khawaja
Muhammad Akram through Mr.
Asad Sherwani, Advocate

Respondent : The State through Mr. Sharaf-u-Din
Kanhari, Assistant Prosecutor
General, Sindh

Date of hearing : 15.09.2026

Date of decision : 15.09.2026

ORDER

Jan Ali Junejo, J.- Through this Criminal Bail Application, Applicant- Abdul Sattar son of Ghulam Mustafa, seeks pre-arrest bail in FIR No.228 of 2025, under Section 406, 420, 506 PPC, registered at Police Station Mauripur, Karachi, calling in question the Order dated 10.12.2025, passed by the learned IV-Additional Sessions Judge, Karachi West, whereby, his pre-arrest bail application was dismissed. The Applicant was granted ad-interim pre-arrest bail by this Court vide Order dated: 18.12.2025.

2. The brief facts of the prosecution case, as set out in the FIR, are that on 25.07.2025 at 16:30 hours, Complainant, namely, Muhammad Shahid son of Khawaja Muhammad Akram, lodged an FIR at Police Station Mauripur, Karachi, alleging therein that he was engaged in his own business and, pursuant to an agreement executed in August 2024, invested money by transferring amounts from time to time to the Applicant's or his wife's account. It is further alleged that the Applicant received a total amount of Rs.14,02,000/- and paid Rs.80,000/- as profit; however, when the Complainant demanded the remaining amount, the Applicant allegedly extended threats to kill him, hence, this FIR.

3. Learned Counsel for the Applicant argued that the Applicant is innocent and has been falsely implicated in this case by the Complainant on the basis of a concocted and fabricated story due to mala fide intentions and ulterior motives. He further argued that there is delay of eleven months in registration of the FIR for which no plausible explanation

has been furnished. He further contended that the money taken by the Applicant has already been refunded to the Complainant by transferring amount in the account of some other persons who have not been made as witness of his case in respect of such transaction. He further submitted that the essential ingredients of offences under Sections 406 and 420 PPC are absent, as there was neither any entrustment of property nor any material indicating dishonest intention on the part of the Applicant at the inception of the transaction; mere non-payment or breach of a promise does not constitute the offence of cheating. He further emphasized that there is no evidence connecting the Applicant with the alleged crime, no eyewitness account exists, and the allegations require deeper probe and assessment, thereby bringing the case within the ambit of further inquiry under Section 497(2) Cr.P.C. He further submitted that the Applicant has no previous criminal record, is permanent resident of Pakistan, there is no likelihood of his absconding or tampering with the prosecution evidence and the offences alleged do not fall within the prohibitory clause of Section 497 Cr.P.C. He, lastly prayed for confirmation of pre-arrest bail.

4. On the other hand, learned Counsel for the Complainant as well as Assistant Prosecutor General, Sindh vehemently opposed the bail application on the ground that Applicant has committed fraud and cheating with the Complainant, who on his assurance invested the amount in his business for earning of profit, but the Applicant has failed to pay the profit to the Complainant and he misappropriated the investment amount. They further contended that the delay in registration of FIR was on account of excuses made by Applicant for refund of money. They further contended that the Applicant has given his written undertaking for the refund of amount to the Complainant, which is sufficient to connect the Applicant in the alleged offence. They prayed for dismissal of bail application.

5. I have given thoughtful consideration to the arguments advanced by the learned Counsel for the Applicant, Complainant's Counsel as well as Assistant Prosecutor General, Sindh and have carefully examined the record with a tentative assessment, as is permissible at the bail stage. It is well settled that pre-arrest bail is an extraordinary relief, intended to protect innocent persons from abuse of the process of law, undue harassment, humiliation, or mala fide arrest. At this stage, the Court is not required to undertake a deeper appreciation of evidence; rather, it is to make a tentative assessment of the material available on record. A careful perusal of the FIR and annexed material reveals that admittedly there is a business transaction between the parties. This issue primarily has to be

decided by the learned trial Court. It is a well-settled law that no one could be prosecuted based on vague and unspecified allegations. The offense under Section 420 & 506 PPC applied by the prosecution is bailable whereas the ingredients of Section 406 PPC are yet to be determined by the trial Court whether applicable in the facts and circumstances of the case or otherwise.

6. The intent behind the grant of bail is to safeguard the innocent person from the highhandedness of police/ Complainant if any; and, very strong and exceptional grounds would be required to curtail the liberty of the accused charged, before completion of the trial, which otherwise is a precious right guaranteed under the Constitution of the country.

7. Prima facie, it appears that the dispute between the parties is predominantly of a civil nature, arising out of an agreement relating to investment. Whether the accused committed any breach of the said agreement, and whether such breach, if any, was accompanied by the requisite criminal intent, are matters which require determination by the learned trial Court after recording and appreciating the evidence. At this stage, the allegations and material available on record do not permit a conclusive determination of the Applicant's guilt. The case of the Applicant, therefore, squarely calls for further inquiry within the meaning of Section 497(2), Cr.P.C. Accordingly, this bail application is allowed and the ad-interim pre-arrest bail already granted to Applicant-Abdul Sattar son of Ghulam Mustafa *vide* Order dated 18.12.2025, in Crime No.228 of 2025, registered at Police Station Mauripur, Karachi, for offence under Section 406, 420, 506 PPC, is hereby confirmed, subject to the same terms and conditions. The observations herein are tentative and confined to the decision of bail. The trial Court shall not be influenced thereby and shall adjudicate strictly on the evidence led before it.

JUDGE

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