THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 509 of 2026

Applicant .	:	Zahid Ali Son of Inamuddin through Mr. Salahuddin Khan Gandapur advocate
Complainant	:	Naheed Abbasi W/o. Manzoor Qadir Abbasi Through: Mr. Aamir Qadir advocate
The State	:	Through Mr. Zahoor Shah, Addl. Prosecutor General, Sindh
Date of hearing	:	25.08.2026.
Date of decision	:	25.08.2026.

O R D E R

Jan Ali Junejo, J.- The present applicant seeks pre-arrest bail in FIR No.126/2026, under Section 420/468/471/34 PPC registered at Police Station Shah Latif Town, Karachi, calling in question the order dated 13.02.2026 passed by the learned Additional District & Sessions Judge-VII, Malir at Karachi, whereby his pre-arrest bail application was dismissed. The Applicant was granted ad-interim pre-arrest bail by this Court vide Order dated: 16.02.2026.

2. The prosecution case, as set out in FIR No. 126/2026, is that the complainant Naheed Abbasi resides at the address mentioned in Column No. 2 of the FIR and is the owner of House No. A-43, Extension Block, Sindhi Jamat Cooperative Housing Society, Malir, Karachi. The complainant, a retired government servant, entered into an agreement for the sale of the said house with Sher Muhammad Joyo advocate on 09.07.2024; however, the latter allegedly failed to pay the full and final sale consideration. Thereupon, Sher Muhammad Joyo filed Civil Suit No. 4320/2025 against the complainant before the learned Senior Civil Judge, Malir, Karachi, which is pending adjudication. It is further alleged that Zahid Ali son of Inamuddin executed a forged sale agreement in respect of the complainant's said house, showing the sale consideration as Rs.19,000,000/-, and subsequently produced the said forged document as genuine by filing Case No. 4178/2025 against the complainant on 31.05.2025, which was returned on 03.07.2025. Thereafter, on 17.07.2025, the said Zahid Ali filed Civil Suit No. 5000/2025 for specific

performance and permanent injunction before the learned Senior Civil Judge, Malir, Karachi, and cited Aziz ur Rehman son of Fazal ur Rehman and Shafiq son of Abdul Rasheed as witnesses to the alleged sale agreement, whose signatures are available thereon. Upon becoming aware of the alleged forgery and cheating, the complainant approached the police and sought legal action against the accused persons for allegedly committing cheating and preparing and using forged documents.

3. Learned counsel for the applicant/accused submits that the applicant is a respectable and law-abiding citizen who has been falsely and maliciously implicated in the instant FIR with ulterior motives, as the entire controversy arises out of a sale agreement relating to immovable property and is essentially civil in nature, involving the enforcement, validity, and performance of contractual obligations. He contends that the applicant has already instituted Civil Suit No. 5000/2025 against the complainant for the protection and enforcement of his lawful rights arising out of the said sale agreement, which is pending adjudication before the competent Civil Court. Learned counsel further submits that the complainant herself allegedly executed multiple and conflicting sale agreements in respect of the same property in favour of different persons, including the present applicant and Sher Muhammad Joyo, resulting in multiple competing claims and civil proceedings. He argues that the alleged transaction pertains to July 2024, whereas the FIR was lodged in January 2026 after an unexplained delay of approximately one and a half years, demonstrating that the criminal proceedings are an afterthought intended to harass and pressurize the applicant and gain leverage in the pending civil litigation. He further contends that no material is available to establish the essential ingredients of offences punishable under Sections 420, 468, and 471 PPC, as there is no independent evidence showing that the applicant forged any document or dishonestly induced the complainant at the inception of the transaction. Learned counsel submits that the applicant has acted in good faith, joined and fully cooperated with the investigation after the grant of bail, and made repeated bona fide efforts to obtain his CRO report; however, the delay in obtaining the same was beyond his control due to the non-availability of the Investigating Officer and the requirement of a formal direction for issuance of the report. He maintains that the applicant remains ready and willing to cooperate with the investigation and that no prejudice has been caused thereto. Learned counsel lastly submits that the applicant is presumed innocent until proven guilty, that the case does not fall within the prohibitory clause of Section 497 Cr.P.C., and that the prosecution case is false and unsupported by reliable evidence; therefore, he prays that the pre-arrest bail be confirmed.

4. Learned counsel for the complainant vehemently opposed the grant of bail and submitted that the complainant is the lawful owner of the subject property, which the applicant/accused is allegedly attempting to usurp through forged and fabricated documents. He contends that the applicant prepared a forged sale agreement by affixing fabricated signatures of the complainant, falsely showing witnesses thereto, and claiming payment of Rs.19,000,000/- without any reliable documentary or banking evidence. He further submits that the alleged agreement contains suspicious features and that the complainant never executed any such document. Learned counsel argues that the FIR was lodged promptly after the alleged occurrence came to the complainant's knowledge and that the pendency of civil proceedings does not bar criminal action where allegations of forgery and use of forged documents are involved. He further submits that the material available on record, including the alleged voice recordings and statements of witnesses, prima facie supports the prosecution case and discloses cognizable offences; therefore, the applicant is not entitled to the concession of bail and the instant application is liable to be dismissed.

5. The learned Addl. P. G. Sindh appearing on behalf of the State fully adopted the submissions advanced by the learned counsel for the complainant. He also opposed the grant of bail to the applicant, asserting that sufficient material has been collected during investigation connecting the accused with the offence, and thus, the case does not fall within the ambit of further inquiry.

6. After hearing the arguments and carefully perusing the record, it appears, prima facie, that the controversy between the parties arises out of a civil transaction concerning the sale and purchase of the subject property. The genuineness of the allegations and the respective claims of the parties require detailed examination of evidence, which cannot be conclusively undertaken at this preliminary stage and are matters to be determined by the learned trial Court after a full-fledged inquiry. Moreover, no person can be prosecuted on the basis of vague or unspecified allegations. In these circumstances, considering the nature of the allegations and the evidentiary requirements, the case, prima facie, calls for further inquiry within the contemplation of Section 497(2), Cr.P.C..

7. It is further observed that Sections 420 and 471 PPC are bailable, while Section 468 PPC carries punishment up to seven years and thus does not fall within the prohibitory clause of Section 497(1) Cr.P.C. In

cases outside the prohibitory clause, grant of bail is a rule and refusal an exception unless exceptional circumstances exist. No such circumstance has been pointed out. Reliance is placed on Muhammad Tanveer v. The State and another (PLD 2017 SC 733), wherein it was held:

> "*Once the Court has held in categorical terms that grant of bail in offences not falling within the prohibitory clause of Section 497, Cr.P.C. shall be a rule and refusal shall be an exception, then the Courts of the country should follow the same principle in its true letter and spirit because consistency in law declared by the Court ensures the rule of law and confidence of Courts throughout the country including the Special Tribunals and Special Courts*."

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8. Prima facie, the complainant had tried to convert a civil dispute in a criminal case to exert pressure; and the learned trial Court has to evaluate the same judiciously, independently.

9. The epitome of the above discussion is that there are sufficient grounds for the confirmation of the pre-arrest bail, resultantly, this bail application is allowed and the ad-interim pre-arrest bail already granted to the applicant vide order dated 16.02.2026 is hereby confirmed on the same terms and conditions.

10. Needless to mention any observations made in the above order are tentative and shall not influence the trial court in any manner.

JUDGE