IN THE HIGH COURT OF SINDH AT KARACHI

Before:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Khalid Hussain Shahani

Criminal Bail Application No.538 of 2026

Applicant	:	Mansoor Ahmed Soomro S/o Hakim Ali Soomro *Through* Mr. Mukesh Kumar Talreja, Advocate
Respondent	:	The State *Through* Khaliq Ahmed DAG & Irshad Ali, Assistant Attorney General a/w SI Sadam Hussain, FIA Crime Circle Sukkur.

Criminal Misc. Application No.266 of 2026

Applicant	:	National Bank of Pakistan (*Through its Manager)* *Through* Mr. Munawar Ali Advocate
Respondent No.1	:	Nisar Ahmed Shaikh S/o Karim Bux Shaikh *Through* Mr. Riaz Ahmed Phulpoto, Advocate.

Criminal Misc. Application No.293 of 2026

Applicant	:	National Bank of Pakistan (*Through its Manager)* *Through* Mr. Munawar Ali Advocate
Respondent No.1	:	Gopal Das S/o Chando Mal *Through* Mr. Imtiaz Ali Khoso, Advocate.

Criminal Misc. Application No.294 of 2026

Applicant	:	National Bank of Pakistan (*Through its Manager)* *Through* Mr. Munawar Ali Advocate
Respondent No.1	:	Fakhruddin S/o Muhammad Sharif *Through* Mr. Faisal Ali Siddiqui, Advocate.

Criminal Misc. Application No.295 of 2026

Applicant	:	National Bank of Pakistan (*Through its Manager)* *Through* Mr. Munawar Ali Advocate
Respondent No.1	:	Muhammad-ul-Mutali S/o Abdul Razzaque *Through* Mr. Abdul Razzak Surahio, Advocate.

Criminal Misc. Application No.296 of 2026

Applicant	:	National Bank of Pakistan (*Through its Manager)* *Through* Mr. Munawar Ali Advocate
Respondent No.1	:	Sardar Ahmed S/o Nabi Bux *Through* Mr. Muhammad Nooruddin, Advocate.

Criminal Misc. Application No.297 of 2026

Applicant	:	National Bank of Pakistan (*Through its Manager)* *Through* Mr. Munawar Ali Advocate
Respondent No.1	:	Haseebullah Baloch S/o Hafeezullah Baloch *Through* Mr. Abdul Razzak Surahio, Advocate.
Date of hearing	:	07.09.2026
Date of Order	:	07.09.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. **-** By this consolidated order, we propose to dispose of the bail application preferred by applicant Mansoor Ahmed Soomro together with six connected Criminal Miscellaneous Applications seeking cancellation of the pre-arrest bail earlier extended to co-accused Muhammad-ul-Mutali, Nisar Ahmed Shaikh, Fakhruddin, Gopal Das, Haseebullah Baloch and Sardar Ahmed, all arising from and inextricably linked to the common matrix of Crime No.15 of 2025, registered under Sections 409, 420, 468, 471, 109 and 34 of the Pakistan Penal Code, read with Section 5(2) of the Prevention of Corruption Act, 1947, at P.S. FIA, Crime Circle, Sukkur, since the questions of law and fact raised therein are common and inseparably interwoven.

2. The genesis of the prosecution's case lies in Inquiry No.41/2023, culminating in registration of the instant FIR at the instance of Mir Ghulam Raza Talpur, Manager, National Bank of Pakistan, Military Road, Sukkur, alleging misappropriation and embezzlement of public funds through a calculated breach of trust, bank fraud, deception and forgery, orchestrated by the Branch Manager in active connivance with other functionaries of the institution. Subsequent scrutiny of the SRB scrolls maintained with the Main Branch, Sukkur, Re-Operations Wing, is stated to have unearthed a further un-reconciled quantum representing FBR Sales Tax and Income Tax collections, over and above the SRB tax proceeds, none of which were remitted to the NBP Main Branch, Sukkur, but were, on the contrary, diverted and misappropriated. The particulars of the alleged defalcation stand elaborated in the body of the FIR.

3. Learned counsel appearing for the applicant has argued with considerable emphasis that the complainant, actuated by malice and personal vendetta, has falsely implicated the applicant, who neither practiced deception upon nor defrauded any person for wrongful gain,

there being no transfer or delivery of property attributable to him in any manner whatsoever. It is contended that the applicant, functioning in the capacity of Branch Manager and thereafter as Area Manager, was entrusted exclusively with administrative and supervisory duties, and exercised no direct, active, or operational control over the day-to-day transactional affairs of the branch; that under the settled banking structure and internal control mechanism, operational functions namely, processing of transactions, posting of vouchers, reconciliation of accounts, maintenance of cash books, handling of government tax accounts, and execution of financial instruments fell squarely within the domain of the Operations Manager and the operational staff functioning under his charge. It is further submitted that the applicant neither held custody of cash, nor operated any ledger, nor wielded exclusive authority over financial entries, and that the Investigating Officer has, at no stage of investigation, been able to specify any overt criminal act attributable to the applicant sufficient to constitute the alleged offences. Learned counsel has invoked the settled principle that criminal liability cannot be fastened upon a person merely by virtue of designation or supervisory rank, absent cogent proof of active participation coupled with the requisite *mens rea*; that in the absence of any specific role having been attributed to the applicant, his case is one eminently calling for further inquiry. It is urged that the allegations of deception, misappropriation, and falsification of accounts have been levelled in a vague and generalized manner, without identification of any particular transaction from which the applicant is alleged to have derived personal benefit, and that no private complainant has stepped forward to lend credence to the allegations set out in the FIR. It is also pressed that no forensic or internal audit report the primary and indispensable instrument for verification of accounts in cases of alleged financial defalcation has been placed on record by the Investigating Officer, a lacuna that casts serious doubt upon the authenticity and credibility of the prosecution narrative. Reliance is further placed on the rule of consistency, inasmuch as co-accused facing substantially similar allegations already stands admitted to pre-arrest bail by the learned trial Court. It is added that the entirety of the prosecution's case rests upon documentary evidence already secured and lying in official custody, thereby eliminating any apprehension of tampering; that the applicant's assets, together with those of his siblings, stand duly declared before the FBR, supported by filed income tax returns; that an unexplained delay of nearly six years attended the lodging of the FIR; and that since his arrest on 24.08.2025, the prosecution has yet to frame a formal charge, the matter remaining at the preliminary stage of supply of police papers entitling the applicant to the concession of bail even on the statutory ground, the offences alleged not being punishable with death or imprisonment for life. It is lastly submitted that the challan already stands submitted and the applicant's custody serves no further investigative purpose.

4. Learned DAG for the State, duly assisted by learned counsel representing the Bank, has resisted the grant of bail, contending that a specific and identifiable role of embezzlement stands attributed to the applicant in his capacities as Branch Manager and subsequently Area Manager; that sufficient incriminating material, including the bank statements of the applicant and his siblings, has been collected during investigation, disclosing substantial sums transferred into their respective accounts from the National Bank of Pakistan, Military Road, Sukkur, for which no plausible trail or explanation has been furnished; that co-accused Nisar Ahmed and five others, having already secured bail from the learned trial Court, are themselves the subject of separate applications seeking cancellation of that concession; that the delay, such as it is, stands satisfactorily explained and cannot, in any event, constitute an independent ground for enlargement on bail; and that sufficient material exists on record to connect the applicant and the co-accused with the commission of the alleged offences.

5. We have heard learned counsel for the respective parties at length and have with equal care perused the record placed before us.

6. It emerges from the record that a delay exceeding six years intervened before the machinery of law was set into motion, and that the entirety of the prosecution's case is founded upon documentary evidence already secured and preserved in official custody, a circumstance which forecloses any real apprehension of tampering, the ultimate evaluation of such material being a matter reserved for the learned trial Court upon full-dressed trial. The applicant has remained under incarceration for over a year, with the proceedings, on the admission of learned counsel for the State, yet lingering at the preliminary stage of supply of documents to the accused. None of the sections invoked in the FIR attracts the penalty of death or imprisonment for life, and no legitimate purpose of the prosecution would be subserved by the applicant's continued and indefinite detention; his case, therefore, is one that squarely invites further inquiry within the contemplation of the statutory scheme. It further weighs with us that co-accused facing allegations of a substantially similar character namely, Nisar Ahmed Shaikh and five others already stand

admitted to pre-arrest bail by the learned trial Court, with no material whatsoever brought on record to suggest that they have misused such concession, pose a flight risk, or have in any manner tampered with the prosecution evidence. The investigation having culminated in submission of the challan, the applicant's presence in custody is no longer requisite for its further conduct.

7. Having regard to the totality of the foregoing circumstances, we are satisfied that the applicant, Mansoor Ahmed Soomro, has, on a tentative appraisal of the record, made out a case calling for further inquiry into his guilt. He is accordingly admitted to bail in the sum of Rs.500,000/- (Rupees five hundred thousand only), subject to his furnishing a solvent surety and P.R. Bond in the like amount to the satisfaction of the learned trial Court. All the Criminal Misc. Applications filed for cancelation of bail of accused Nisar Ahmed Shaikh and 05 others are dismissed.

8. The observations made above are tentative in nature and shall not prejudice to either party at trial.

JUDGE

JUDGE