IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2267 of 2026

Applicant	:	Syed Muhammad Mohsin Khalid Son of Khalid Azeem Through M/s. Ghulam Mujtaba Sahito, Imran Mahar, Jinsar Ali, Saddam Chachar and Rubab Junejo, Advocates
Respondent	:	The State *Through* Mrs. Rubina Khan, DPG a/w Mr. Zakir Rashid Khan, Manager Procurement, Indus Hospital.
Date of hearing	:	02.11.2026
Date of Order	:	05.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. – Applicant Syed Muhammad Mohsin Khalid seeks pre-arrest bail in a case bearing Crime No. 562/2026 of P.S. Zaman Town, Karachi for offence U/S 420, 468, 471, 408, 109 and 34 PPC, having unsuccessfully approached the learned Vth Additional Sessions Judge, Karachi East, who declined such relief vide order dated 14.07.2026.

2. The prosecution alleges that the applicant, while serving as Senior Officer, Supply Chain Department, Indus Hospital & Health Network, dishonestly generated fictitious purchase orders in collusion with certain suppliers, thereby occasioning a financial loss of about Rs.50 million. The alleged irregularities surfaced when representatives of Usama & Brother Enterprises and Global Enterprise demanded payment against purported supplies, whereafter scrutiny of institutional records led to registration of the FIR on 22.05.2026.

3. Learned counsel for the applicant contended that the accusation rests upon disputed documentary and electronic material; that the applicant possessed neither independent authority to sanction purchases nor responsibility for receiving goods or disbursing payments; that the purchase orders identify the complainant, Zakirullah Khan, as approving authority; and that the applicant's ERP credentials were accessible to other employees. The subsequent registration of FIR No. 690/2026, wherein pre-arrest bail already stands granted, was also pressed into

service to demonstrate ulterior motives. Conversely, learned DPG and counsel for the complainant maintained that the applicant's identification on purchase orders, electronic correspondence, invoices, delivery challans and other investigative material sufficiently connects him with a substantial financial fraud, rendering custodial interrogation indispensable.

4. The record has been examined in the light of the governing principles of pre-arrest bail, which, notwithstanding the extraordinary character of the remedy, do not permit personal liberty to be sacrificed merely upon the gravity of an accusation. Mala fides need not invariably be established through direct evidence; the attending circumstances, including the apparent weakness of the prosecution case and the absence of a legitimate necessity for arrest, may furnish an adequate foundation for such inference. Equally, an accused is not entitled to anticipatory protection merely because the alleged offence falls outside the prohibitory clause.

5. The material undoubtedly shows that several purchase orders bear the identification "Mohsin 36051" as buyer and that electronic communications ostensibly emanated from the applicant's official email account. These circumstances cannot be disregarded. Nevertheless, the very documents relied upon by the prosecution identify Zakirullah Khan as the approving authority. The institutional mechanism also envisages distinct stages of requisition, authorization, receipt and payment. Attribution of a purchase order to the applicant does not, without further scrutiny, conclusively establish that he dishonestly procured, received or misappropriated the articles. His plea regarding shared access to electronic credentials likewise raises an issue requiring examination of the relevant digital record and authorization trail.

6. The invoices and delivery challans, some bearing receiving endorsements, also require distinction between acknowledgment of documents and actual receipt of goods. The photographs of mobile-phone boxes, without independent identification of their provenance, custody and connection with the applicant, cannot by themselves establish criminal misappropriation. Nor has any specific material been identified demonstrating that the applicant personally received the alleged consignments or derived financial benefit therefrom. These deficiencies become material particularly in relation to Section 408 PPC, where entrustment or dominion over property and its dishonest conversion constitute essential ingredients. The alleged forgery and use of forged

documents under Sections 468 and 471 PPC similarly require determination of authorship, knowledge and dishonest intention.

7. The applicant's resignation dated 30.04.2026 neither constitutes proof of innocence nor furnishes an incriminating presumption. His subsequent non-participation in departmental inquiry may attract consequences under the service regime, but cannot substitute proof of criminal liability. Likewise, the separate FIR No. 690/2026, lodged by the proprietor of Global Enterprise concerning overlapping dealings, does not automatically invalidate the present prosecution, although the apparent duplication of transactions remains relevant while assessing the accusation of harassment and the necessity of successive coercive proceedings.

8. Significantly, the investigation has progressed to submission of an interim challan dated 24.07.2026. The prosecution case is predominantly founded upon official documents and electronic records susceptible to independent verification. Nothing concrete has been brought to notice establishing that the applicant, during the subsistence of interim protection, attempted to abscond, influence witnesses, tamper with evidence or impede investigation. A generalized demand for custodial interrogation cannot displace the constitutional protection of liberty without a demonstrable investigative necessity.

9. The Supreme Court in 2023 SCMR 364[1] recognized that mala fides may be inferred from the attending circumstances, while 2022 SCMR 821[2], concerning Sections 420, 468 and 471 PPC, reiterates the significance of disputed documentary attribution and further inquiry in pre-arrest bail proceedings. Likewise, in 2023 SCMR 1712[3], it was held that the magnitude of an alleged financial fraud is not, by itself, a sufficient reason to refuse bail. These principles, read with the settled rule that bail in offences outside the prohibitory clause is ordinarily granted unless exceptional circumstances warrant refusal, lend support to the applicant's case.

10. The impugned order, although noticing the prosecution material, has not adequately examined the distinction between the applicant's alleged generation of purchase orders and their subsequent authorization, receipt and payment, nor the disputed attribution of the electronic record. It also places considerable reliance upon the gravity of the accusation and the

[1] Fahad Hussain and another v. The State
[2] Muhammad Kashif Iqbal v. The State
[3] Ch. Saeed Ahmed Khalil v. The State

investigating officer's demand for custodial interrogation, without demonstrating why the latter remains indispensable. The offences invoked do not attract the prohibitory clause of Section 497(1) Cr.P.C.; the material presents substantial questions of further inquiry; and no exceptional circumstance justifying denial of anticipatory protection has been established. The applicant's continued exposure to arrest, in these circumstances, would serve no demonstrated investigative purpose.

11. Consequently, this application is allowed and ad-interim pre-arrest bail already granted to applicant is confirmed on the same terms and conditions with the directions to join investigation/trial. Misuse of this concession shall expose him to cancellation of bail in accordance with law.

12. The foregoing observations are purely tentative, confined to the disposal of this application, and shall not influence the trial Court in its independent appraisal of evidence.

J U D G E

Shahbaz