ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-1331 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections. 2. For hearing of main case.

04.11.2026

Mr. Qaim Khan, associate of Mr. Muhammad Yaseen Jatoi, counsel for applicant.

Mr. Shawak Rathore, Deputy Prosecutor General, Sindh.

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O R D E R

MUHAMMAD HUMAYON KHAN, J.- Through this application, the applicant, Mst. Durdana Fareed, seeks post-arrest bail in Crime No.387 of 2025, registered at Police Station A-Section, District Shaheed Benazirabad, for offences punishable under Sections 506/2, 468, 406, 420 and 34 PPC. Her earlier application for post-arrest bail was dismissed by the learned Additional Sessions Judge-V/(MCTC), Shaheed Benazirabad vide order dated 22.12.2025.

2. Briefly, stated the complainant Noman Ali purchased a flat / apartment in Bahria Town, Karachi for an amount of Rs. 5,800,000/- (Rupees Five Million Eight Hundred Thousand only), in the presence of witnesses Imtiaz Ali and Sheharyar. He transferred the said amount of Rs. 5,800,000/- from his Account No. 24020107404138, Meezan Bank, to the account of the mother of co-accused Saram Ali Zuberi, the present applicant Mst. Durdana Fareed. When the complainant demanded the registry of the flat from Sarim Ali Zuberi, he executed an Affidavit / Agreement No. 1961 dated 01.02.2025, wherein he undertook that he would either get the registry transferred within two months or return the amount. However, neither did Sarim Ali Zuberi transfer the registry of the flat / apartment nor did he return the amount. When the complainant demanded repayment of the amount, the accused kept making false excuses and threatened him, whereupon the FIR was lodged.

3. Learned counsel for the applicant contended that the applicant is innocent and has been malafidely implicated as complainant has failed to recover the amount from the original beneficiary and, therefore, has falsely involved the applicant in the present case; that there is no evidence on record to establish that the applicant engaged herself in any business or transaction involving the funds allegedly provided by the complainant; that no documentary evidence is available to establish any business or transaction between the complainant and the applicant; that the offences do not fall within the prohibitory clause of Section 497, Cr.P.C.; that the offences under Sections 406, 420, 468 and 506(2), PPC, are punishable with imprisonment of up to seven years and do not fall within the prohibitory clause of

Section 497, Cr.P.C.; that the applicant is an elderly lady of 63 years, suffering from ailments, and has nothing to do with the alleged offence; that being an innocent woman, she is entitled to the concession of bail.

4. Conversely, learned DPG opposed the grant of bail and contended that the applicant is directly involved in the alleged offence, as the disputed amount of Rs. 5,800,000/- was transferred into her bank account; that the offences are serious in nature, involving cheating and criminal breach of trust and that the applicant may abscond or tamper with the prosecution evidence if released on bail, therefore, she is not entitled to the concession of bail.

5. Heard learned counsel for the parties and perused the available record.

6. Upon tentative assessment of the record, prima facie, it appears that the actual transaction of the complainant was with co-accused Sarim Ali Zuberi, who executed Affidavit/Agreement No.1961 dated 01.02.2025, undertaking to transfer the registry or return the amount. Mere transfer of the amount into the applicant's account, by itself, does not establish dishonest intention on her part. The ingredients of dishonest intention and criminal breach of trust can only be determined after recording of evidence during trial and cannot be conclusively determined at this stage. Furthermore, there is no documentary evidence available on record to establish any business or transaction between the complainant and the applicant. The offences under Sections 406, 420, 468 and 506(2), PPC, carry punishment of up to seven years' imprisonment but do not fall within the prohibitory clause of Section 497, Cr.P.C. In such cases, grant of bail is the rule and its refusal is an exception. The applicant is an elderly lady of 63 years, suffering from various ailments, and there is no material on record to suggest that she is likely to abscond or tamper with the prosecution evidence.

7. For the foregoing reasons, this bail application is allowed. Consequently, the applicant, Mst. Durdana Fareed wife of Zaffar Ali Zuberi, is admitted to post-arrest bail upon furnishing solvent surety in the sum of Rs.2,00,000/- (Rupees Two Lac only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

8. Needless to observe that the above observations are purely tentative and shall not prejudice the case of either party at trial. The learned trial Court shall decide the case independently, strictly in accordance with law, and shall make every endeavour to conclude the trial expeditiously, preferably within two months from the receipt of this order.

JUDGE

Muhammad Danish