

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.S- 783 of 2026

Applicant : Ghulam Fareed Arain through Mr. Muhammad Rafique Kalar, Advocate a/w applicant.

Complainant : Muhammad Shafique through Mr. Zaheer Ahmed Ujjan, Advocate a/w complainant.

Respondent : The State through Mr. Muhammad Raza Katohar, Deputy P.G a/w SIP Zaheer Hussain Bhutto, SHO, P.S, Adilpur.

Date of Hearing : **28-09-2026**
Date of Order : **02-10-2026**

ORDER

TASNEEM SULTANA, J.- Through this Criminal Bail Application, applicant Ghulam Fareed seeks pre-arrest bail in Crime No.83 of 2026, registered at Police Station Adilpur, District Ghotki, for offences under Sections 406, 407, 420 and 484, P.P.C. His earlier application for the same relief was dismissed by the learned Additional Sessions Judge-III, Ghotki, vide order dated 19.08.2026. Thereafter, he approached this Court and obtained interim pre-arrest bail on 21.08.2026.

2. Brief facts of the prosecution case are that complainant Muhammad Shafique Kalwar, Supervisor/Incharge, Food Centre, Khanpur Mahar, alleged that on 14.07.2026, the applicant's godowns at Jan Muhammad Society Chowk, containing about 6,500 bags of wheat, were sealed by the concerned officials, whereafter 750 bags were shifted to PRC Ghotki. On 16.08.2026, upon receiving information that the applicant was removing wheat by breaking the locks, the complainant, accompanied by Muhammad Ali Mahar and Khadim Hussain Mazari, reached the godowns at about 1400 hours. They allegedly saw the applicant and four unidentified persons breaking the seals and loading wheat onto a rickshaw without permission. On seeing the complainant's party, they fled, leaving behind the rickshaw loaded with ten bags of wheat. The complainant also noticed that some

wheat had already been removed. He brought the loaded rickshaw to the police station and lodged the FIR.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated with mala fide intention; that his brother was transporting fifteen bags of wheat from his agricultural land for domestic consumption when a subordinate of the complainant demanded Rs.10,000/- as a bribe and, upon refusal, the present case was registered showing ten bags of wheat; that after sealing of the godowns, the wheat remained in the custody of the Food Department; that no independent person was associated despite the locality being thickly populated; that the FIR was lodged with an unexplained delay of two hours and forty-five minutes; that the applicant is not a previous convict; and that the offences alleged do not fall within the prohibitory clause of Section 497(1) Cr.P.C. He submitted that the case calls for further inquiry and prayed for confirmation of interim pre-arrest bail.

4. Conversely, learned Deputy P.G, assisted by learned counsel for the complainant, opposed the bail plea and contended that the applicant was specifically nominated in the FIR; that the eyewitness account, recovery of ten bags of wheat and departmental record connected him with the alleged offences; and that the applicant had failed to establish mala fide on the part of the complainant. They prayed for dismissal of the bail application.

5. Heard. Record perused.

6. A perusal of the record reflects that officials of the Food Department sealed approximately 6,500 bags of wheat in the applicant's godowns, as recorded in the departmental inventory. The applicant maintains that the stock was in departmental custody and that the secured wheat belonged to his brother, Muhammad Naveed, and was intended for domestic consumption. The secured wheat was subsequently released to his brother on superdari by the learned trial Court. Whether the secured wheat formed part of the stock in the sealed godowns requires determination after recording evidence at trial.

7. For an offence under Section 406, P.P.C., the accused must have been entrusted with property or dominion over it and must have dishonestly

misappropriated, converted, used or disposed of that property in the manner contemplated by Section 405, P.P.C. Section 420, P.P.C., requires deception at the inception of the transaction and consequent dishonest inducement to deliver property. In the present case, the material on record does not clearly disclose such entrustment to the applicant, whether under Section 406, P.P.C., or in the capacity of a carrier, wharfinger or warehouse-keeper under Section 407, P.P.C. Nor has any specific deception inducing delivery of property been disclosed. These aspects, considered with the circumstances discussed above, prima facie call for further inquiry within the meaning of Section 497(2), Cr.P.C. Reliance is placed on Salman Mushtaq and others v. The State through P.G. Punjab and another (2024 SCMR 14), wherein the Honourable Supreme Court held:

“6....While considering the grounds agitated for enlargement on bail, whether pre-arrest or post-arrest, the atrociousness, viciousness and/or gravity of the offence are not, by themselves, sufficient for the rejection of bail where the nature of the evidence produced in support of the indictment creates some doubt as to the veracity of the prosecution case. Therefore, where, on a tentative assessment, there is no reasonable ground to believe that the accused has committed the offence, and the prosecution case appears to require further inquiry, then in such circumstances the benefit of bail may not be withheld as a punishment to the accused...”

8. As regards Section 484, P.P.C., the allegation is of breaking existing seals, while the provision concerns counterfeiting a mark used by a public servant or knowingly using such counterfeit mark as genuine. Its applicability also requires examination. The circumstances discussed above are relevant to the applicant's plea of false implication. The offences alleged also fall outside the prohibitory clause of Section 497(1), Cr.P.C.

9. In view of the above facts and circumstances, applicant Ghulam Fareed has succeeded in making out a case for confirmation of pre-arrest bail. Consequently, the instant bail application is **allowed** and the interim pre-arrest bail granted to him vide order dated **21.08.2026** is hereby confirmed on the same terms and conditions.

10. During these proceedings, a show-cause notice dated 12.09.2026 was issued to the SHO, Police Station Adilpur, regarding non-compliance with the direction for service of notice upon the complainant. In his reply dated 28.09.2026, the SHO stated that he was engaged in official duties on

07.09.2026 and that the notice had been served through ASI Sajjad Hussain Lanagh, who thereafter attended this Court and submitted the requisite undertaking. He referred to the accompanying daily diary entries in support of his claim of compliance. The Additional Registrar of this Court is directed to examine the relevant record, verify whether the direction was duly complied with and submit a report to this Court for further orders.

11. Needless to observe that the observations on the merits are tentative and shall not prejudice the trial.

J U D G E

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