

# IN THE HIGH COURT OF SINDH, AT KARACHI

## Cr. Bail Application Nos. D-97 and D-98 of 2021

Applicant : Feroz Khan Baloch, through  
Zeeshan Haider, Advocate

The State : Through Muntazir Mehdi, DPG

Complainants : Through, Nehal Khan, Advocate

Date of Hearing : 03.05.2021

### ORDER

**YOUSUF ALI SAYEED, J.** - The Applicant, Feroz Khan Balouch, son of Akbar Khan Baloch, seeks bail before arrest in respect of FIR No.451/2020 registered on 12.12.2020 at PS Tipu Sultan, Karachi, under Section 406, 452, 420, 506-B PPC, and FIR No.125/2020, registered on 14.12.2020 at PS City Court, Karachi, under Section 337 (A)(iii), 337 (A) (i), 34 PPC (collectively the “**Subject FIRs**”) at the behest of Mst. Tanveer Akhtar (“**TA**”) and one Saqib Raza (“**SR**”) respectively.

2. As it transpires, the Applicant and TA are related through marriage – with his deceased wife having been the latter’s sister, and the Subject FIRs apparently depict a further chapter of an ongoing vendetta between them Applicant as well as SR, who is the nephew of TA, with their both having been nominated in four FIRs registered earlier at the behest of the Applicant (the “**Prior FIRs**”), the particulars of which are as follows:-

- (a) FIR No. 429 OF 2020 registered at PS Tipu Sultan on 24.11.2020 under S. 380/34 PPC as to a theft said to have been perpetrated by TA at the home of the Applicant on the date of his wife's demise, entailing her taking away a purse said to have contained cash of about Rs.150,000/- to Rs.200,000/- and gold ornaments worth Rs.3,200,000/-.
  - (b) FIR No. 706 of 2020 registered at PS Ferozabad on 30.11.2020 under S.489-F PPC in relation to the dishonour of a cheque said to have been issued in his favour by TA in consideration of some gold jewelry and ornaments had and received.
  - (c) FIR No. 121 of 2020 registered at PS City Court on 10.12.2020 under S.337A(iii)/506/504/34 PPC against SR and other persons in relation to an attack said to have been carried out by them against him and his two sons on that day when they were returning from attending a Court hearing, as a consequence of which they sustained injuries.
  - (d) FIR No. 1624 of 2020 registered at PS Preedy on 23.12.2020 under S. 337(A)(I)/504/34 PPC in relation to an attack said to have been undertaken against him by SR and two other persons for purpose of compelling him to return the cheque for the dishonour of which the earlier report had been lodged.
3. Turning to the Subject FIRs, it merits consideration that FIR No.451/2020 alleges that TA was induced/pressured by the Applicant to invest a sum of 4 Million with him on 04.05.2020, after which he only made profit payments over the next 2 months and thereafter failed to make further payments or return the invested amount when called upon to do so, instead resorted to threats and after the demise of his wife also forcibly obtained certain items

of jewellery as well as a cheque book; whereas FIR No.125/2020 alleges that SR had been attacked and injured on 30.11.2020 by the Applicant and other persons, including his two sons.

4. Following registration of the Subject FIRs, the Applicant had obtained protective bail from this Court and then preferred B.B.A Nos. 3919 and 3920 of 2020 before the learned VIIIth Additional District & Sessions Judge, Karachi, South, which were dismissed by the lower forum vide separate Orders dated 07.01.2021.
5. Upon the instant Bail Applications then being preferred before this Court, the Applicant was granted interim pre-arrest bail in respect of the Subject FIRs against the sums of Rs.1,00,000/- and Rs.50,000/- already furnished as surety in respect of the protective bails earlier obtained by him.
6. Proceeding with his arguments for confirmation of bail, learned counsel for the Applicant submitted that he was innocent and had been falsely implicated with ulterior motive as a counterblast to the Prior FIRs where the respective Complainants stood nominated in respect of the specified offences. He pointed out that FIR 451/2020 had been registered on 12.12.2020 albeit it being alleged that the sum mentioned had been received as far back as 04.05.2020, who had then failed to make profit payments after the initial payments over the first two months. He invited attention to the photocopy of a Receipt dated 01.09.2020 purportedly bearing the signature of TA reflecting that she had received a quantity of gold in

consideration of Rs.4 Million said to have been paid to the Applicant and also referred to the photocopy of a Promissory Note dated 06.09.2020 ostensibly reflecting a further transaction for purchase of further gold and jewelry in the sum of Rs.39,75,000/-, supported by two Cheques for Rs.975,000/- and Rs.3.00 Million dated 10.11.2020 and 11.11.2020 respectively, apparently issued by TA in the name of the Applicant, which were then dishonoured on presentment. He further submitted with reference to FIR No.125/2020 that the same reflected an unbelievable story, that too with delay, inasmuch as the Applicant was shown on 14.12.2020 to have earlier attacked SR on 30.11.2020 with the assistance of his sons, whereas in fact they were aged only 11 and 13 years at that time, as borne out by their respective birth certificates available on record, and had been the victims of the attack perpetrated on 10.12.2020, as was the subject of FIR No. 121 of 2020.He submitted that, as such, the Applicant was the real victim in the matter, whereas the Complainants had instigated the registration of the Subject FIRs so as to cover up their wrongdoings.

7. Conversely, learned counsel for the Complainants opposed confirmation of both bails, submitting that the Receipt, Promissory Note and Cheques relied upon by the Applicant were all forged and fabricated. However, on query posed, he stated that the Complainants had both been granted pre-arrest bail in those cases, which had since been confirmed. The learned DPG also voiced his opposed, albeit lackadaisically and without offering any cogent points in that regard.

8. Having considered the arguments advanced in light of the material on record, it transpires that under the given circumstances the matter is apparently one that requires further enquiry and at present the aspect of mala fide on the part of the Complainants in the wake of the Prior FIRs also cannot conclusively be ruled out. Needless to say, an authoritative determination of the matter would only be possible following proper appraisal of the evidence, which is neither possible nor desirable at this stage, when only a tentative assessment is to be made. However, at present, on the basis *inter alia* of the grounds reflected herein above, a case for grant of pre-arrest bail stands made out in both cases, and it for that reason that the interim bails granted to the Applicant earlier in respect of the Subject FIRs were confirmed vide a short Order made in Court upon culmination of the hearing on 03.05.2021, with both the Bail Applications standing disposed of accordingly.
  
9. The office is directed to place a copy of this Order in the connected Bail Application.

**JUDGE**

Karachi.  
Dated: