

IN THE HIGH COURT OF SINDH, KARACHI

Cr. Bail Application No. 2587 of 2024

Present:

Mr. Zafar Ahmed Rajput, J.

Mr. Adnan Iqbal Chaudhry, J.

Applicant : Farhan Faiz s/o Muhammad Faiz, through
Mr. Munir Ahmed Gilal, advocate

Respondent : The State, through Peer Riaz Muhammad
Shah, D.A.G.

Complainant : Niaz Ali s/o Bagh Ali, through
Mr. Muhammad Aslam Rind, advocate

Date of hearing : 06.01.2025

Date of order : 06.01.2025

ORDER

ZAFAR AHMED RAJPUT, J:- Having been rejected his post-arrest bail application in Case No. 22 of 2024 by the Special Court (Offences in Banks) Sindh at Karachi, vide order dated 06.11.2024, applicant/accused Farhan Faiz s/o Muhammad Faiz, through instant CrI. Bail Application seeks the same relief in Crime No. 47 of 2024, registered under sections 409, 420, 467, 468, 471, 109, 34, P.P.C. at P.S. F.I.A. C.C., Hyderabad.

2. Brief facts of the prosecution case as narrated in the F.I.R., lodged on 29.06.2024 by the complainant Niaz Ali s/o Bagh Ali are that Ghulam Mohammad, resident of Usman Shah Huri, District Tando Allahyar and Mudasir Irshad, resident of Faizabad, District Hafizabad, Punjab approached him with an offer to deposit Rs. 9,00,000/- in his account as payment for purchasing of banana, worth Rs. 9,50,400/-. They requested for a blank cheque, which he provided them, expecting that Ghulam Muhammad would deposit the balance amount, but the later forged his signature on the cheque and with the connivence of bank's officials Ashfaq Ahmed Soomro (Customer Facilitation officer) and Farhan Faiz (Branch Operations Manager) of NBP withdrew

Rs. 880,000/- fraudulently from complainant's account; For that aforesaid F.I.R. was registered.

3. Learned counsel for the applicant has contended that the applicant is innocent and has falsely been implicated in this case with malicious intent and ulterior motives; that there is no iota of evidence linking the applicant to the commission of alleged offence; that the applicant is neither directly beneficiary of the so-called transaction nor any breach of trust was committed by him, nor even he gave any unlawful favour to accused; that the cashier who dealt with the alleged cheque has not been made witness; that the dispute is between two private individuals, which has amicably been resolved through the intervention of elders of both the families; that the complainant alleged the issuance of a cheque with the applicant's involvement; however, the said cheque lacks complainant's signature; that the alleged offence does not fall within the prohibitory clause of section 497, Cr.P.C.; that the applicant is behind the bars since day of his arrest i.e. 22.10.2024; and the guilt of the applicant requires further inquiry, hence, he is entitled to the bail.

4. On the hand, learned D.A.G. as well as learned counsel appearing on behalf of complainant have opposed this application on the ground that the applicant in collusion with the main accused has committed fraud with the complainant; hence, he is not entitled to concession of bail.

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

6. It appears from the perusal of the record that the applicant is serving in the bank as Branch Operations Manager. The alleged cheque has been encased from the counter of the bank by the cashier. It is yet to be determined if the applicant being Branch Operations

Manager in any manner is involved in the commission of alleged offence and he is in any manner beneficiary of alleged fraud/banking offence.

7. It further appears that the applicant is confined in judicial custody since 22.10.2024. F.I.A. has submitted the challan before the trial Court. The applicant is not likely to temper with the prosecution evidence. No useful purpose would be served if the applicant is kept behind the bars for indefinite period and as a rule bail is not to be withheld as a punishment.

8. Accordingly, instant application is allowed, and in result thereof the applicant is admitted to post-arrest bail in aforesaid crime/offence subject to furnishing by him solvent surety in the proportionate sum of Rs. 2,00,000/- (*Rupees Two Lacs only*) and PR bond in the like amount to the satisfaction of the trial Court.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits. However, in case the applicant misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving him requisite notice, in accordance with law.

10. Above are the reasons of our short order dated 06.01.2025.

JUDGE

JUDGE

Athar Zai