

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Appln. No. S-781 of 2025

Applicant : Muhammad Azam son of Muhammad Umar
Through Mr. Khalid Saeed Soomro, Advocate

The State : Through Syed Naveed Ahmed Shah, Deputy
Attorney General

Date of hearing : 13.10.2025
Date of order : 13.10.2025
Date of reasons : 14.10.2025

ORDER

KHALID HUSSAIN SHAHANI, J.— Applicant Muhammad Azam, seeks post arrest bail in a case bearing crime No.05/2025 registered at Police Station FIA Crime Circle Shaheed Benazirabad, implicating him in offences punishable under Sections 409, 468, 511, 34 and 109 PPC read with Section 5(2) of the Prevention of Corruption Act, 1947. It is pertinent to note that the learned Judge Special Court (Central), Sukkur, has previously declined bail to the applicant vide order dated 25.08.2025.

2. The prosecution case, as delineated in the FIR, alleges that the applicant, a Constable in the Police Department, made an application to the State Life Insurance Corporation (SLIC), Shaheed Benazirabad Zone, for issuance of an insurance policy to the tune of Rs. 10 million, which was grossly inconsistent with his declared income. In support thereof, the applicant submitted a proposal indicating a monthly income of Rs.250,000/-, accompanied by documents purporting ownership of (33-00) acres of agricultural land. The proposal was recommended by the then Area Manager of SLIC, who forwarded it to the Regional Underwriting Committee at Hyderabad. Subsequently, upon official scrutiny by the Mukhtiarkar's office, the said property documents were found to be fabricated, forged, and manipulated, leading to initiation of the present proceedings.

3. Learned counsel for the applicant has vehemently argued that the applicant has been falsely implicated in the case and the FIR has been lodged

with mala fide intention to defame and malign the applicant's reputation. It is contended that the allegedly forged documents were neither recovered from the applicant nor remained in his custody, and their fabrication was only discovered at a subsequent stage during official verification. The witnesses cited by the prosecution are primarily police officials, allegedly interested and motivated. Counsel has further emphasized that the entirety of the prosecution's evidence is documentary in nature and already in the custody of the prosecution, thereby negating any apprehension of evidence tampering. Learned counsel also submitted that the co-accused Abdul Qadir being Area Manager of State Life Insurance has already been admitted to post-arrest bail and that, in light of the principle of consistency, the applicant is equally entitled to the concession of bail. It has been further argued that the matter requires further inquiry under Section 497(2), Cr.P.C., with reliance placed upon the judgment in *Atta Muhammad v. The State* (2001 YLR 802), which underpins the grant of bail where reasonable doubt exists and the case requires further inquiry under Section 497(2), Cr.P.C.

4. Conversely, the learned Deputy Attorney General has opposed the grant of bail, asserting the seriousness of the offences alleged and contending that the applicant does not qualify for bail under the circumstances.

5. Upon hearing the parties and perusal of the record, it is manifest that the allegations hinge upon an offence of criminal breach of trust predicated upon documentary evidence. It is undisputed that no disbursement of the purported insurance amount has occurred in favour of the applicant. Notably, all incriminating evidence is documentary and in the exclusive possession of the prosecution; the applicant has refuted any attempt at tampering therewith. The relevant documents were verified by the Financial Monitoring Unit at the time of applying for financial assistance, about four years prior to the FIR's registration. Hence, the veracity and probative value of the allegations necessitate determination after an exhaustive trial. The applicant, being a public servant, is unlikely to abscond or interfere with the evidence. The cardinal principle of

criminal jurisprudence is that every accused is presumed innocent until proven guilty beyond reasonable doubt and that any ambiguity at bail stage ought to be resolved in favor of the accused, remains undisturbed. Furthermore, in consonance with the rule of consistency, where the co-accused Abdul Qadir has been granted bail, the applicant is also deserving of similar relief. Moreover, the continued incarceration of the applicant would serve no fruitful purpose given his clean antecedents.

6. Importantly, the investigation stands concluded with the submission of the challan. The Hon'ble Supreme Court has repeatedly affirmed that the completion of investigation significantly diminishes the risk of evidence tampering, particularly where the evidence is documentary. It has also been observed by this court in *Sheraz through Muhammad Rais Khan v. The State* (Cr. Bail Application No.754 of 2016). The inexplicable delay of about four years between the discovery of the purported forged documents and the filing of the FIR severely undermines the prosecution's case, as this court has held in *Shabir Muhammad v. The State* (Criminal Bail Application No.1623 of 2023) that unexplained delays cast serious doubts on the authenticity of the complaint. Such delay coupled with the complainant's prolonged silence prompts serious doubts regarding the bona fides of the allegations, suggesting the dispute may be primarily civil in nature rather than criminal.

7. In light of the foregoing, and within the ambit of Section 497(2), Cr.P.C., the applicant is/was admitted to post-arrest bail upon furnishing a surety and P.R. bond in the sum of Rs.1,000,000/- (Ten Lac Rupees), to the satisfaction of the learned trial Court, as per the short order dated 13.10.2025. These are the reasons underpinning that order.

8. It is expressly clarified that the observations herein are tentative and shall not prejudice the trial Court in its final adjudication on merits following trial.

J U D G E