

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

Cr. Bail Application No.S-1094 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
	For orders on urgent application. For orders on office objections. For orders on exemption application. For hearing of main case. For orders on stay application.
<u>15-09-2025</u>	

Mr. Muhammad Noman Jaffar, advocate for the applicant.

Through this Criminal Bail Application, the applicant Sher Khan son of Sultan Aziz seeks protective bail in FIR No.CCC-KHI-6/2024 of PS FIA, Corporate Crime Circle, Karachi, on the basis of notice under Section 160 CrPC dated 11.09.2025, whereby the Deputy Director FIA, Corporate Crime Circle, Karachi, directed the applicant to appear and record his version regarding the following evidence collected by Inspector Muhammad Arif:

During the course of Investigation it has come on record that Meezan Bank Account No. 103183772 title Sher Khan being maintained Meezan Bank Auto Bhan Road Branch Hyderabad operated by you. Additionally Mr. Nazim Bilal, the Proprietor of M/s Nazim Traders, operated Meezan Bank Account No. 0105780222 title Nazim Traders, maintained within Meezan Banking system accordingly. As per the information / evidence available on record so far it transpired that through 06- IBFTs [(1) IBFT Dated: 13-06-2022 Rs. 250,000/-, (2) IBFT Dated: 13-06-2022 Rs. 250,000/- (3) IBFT Dated: 23-08-2022 Rs. 250,000/-. (4) IBFT Dated: 23-08-2022 Rs. 250,000/-, (5) IBFT Dated: 23-08-2022 Rs. 250,000/- and (6) IBFT Dated: 23-08-2022 Rs. 250,000/-] total amounting Rs. 1,500,000/- debited from your Meezan Bank Account No. 103183772 title Sher Khan and the same fund transferred / credited into Meezan Bank Account No. 0105780222 title Nazim Traders, Hence, it is evident that you are well aware of the facts and circumstances surrounding these Financial Transactions, particularly with reference to the transfer of amounting Rs.1,500,000/- (Rupees 1.5 Million) to Mr. Nazim Bilal.”

The learned counsel inter alia contends that the applicant received notice dated 11.09.2025 through WhatsApp and applicant was directed to appear before the IO for recording his version, but he apprehends of his arrest hence

seeks protective bail. Upon this, a query was made as to whether the present applicant is nominated in the present crime or in interim report under Section 173 CrPC (Challan) his role has been described. In reply, learned counsel submitted that the applicant is neither nominated in FIR nor he has been assigned any role in interim report, however, the applicant requires protection of this Court only for recording his statement.

It may be observed that protective bail is to be granted to only accused persons who intend to surrender before the competent court of law however, in present case applicant is prima facie neither nominated in the FIR nor intends to surrender before the competent Court of law but seeks protective bail merely for recording statement before FIA. At this stage it is necessary to reproduce Section 498-A CrPC.

498-A. **No bail to be granted** to a person not in custody, in Court or against whom no case is registered, etc.: Nothing in Section 497, or Section 498 shall be deemed to require or authorise a Court to release on bail, or to direct to be admitted to bail, any person who is not in custody or is not present in Court or **against whom no case stands registered** for the time being and an order for the release of a person on bail, or a direction that a person be admitted to bail, **shall be effective only in respect of the case that so stands registered against him and is specified in the order or direction.**

The above provision restricts the authority of the Court that provision of Section 497 and 498 of the Code would not require or authorize a Court to release or direct to be admitted to bail if :

i) person, seeking bail, is not in custody or is not present in Court;

OR

ii) against whom no case stands registered;

Thus, for purpose of pre-arrest or post arrest bail the above two conditions must co-exists. However, in **extra-ordinary situation**, in matter of pre-arrest bail the condition-I (as referred above) might be relaxed only for certain period or to enable the accused to approach proper Court of law but the condition-II (as referred above) cannot be relaxed *even* in pre-arrest bail because the provision

of Section 498-A of the Code has limited '**effectiveness**' of an order, passed under Section 497 or 498 Cr.PC to :

'shall be effective only in respect of the case that *so stands registered against him* and is specified in the order or direction.'

In view of above, this Application for protective bail against notice under Section 160 CrPC is not maintainable which is accordingly dismissed alongwith listed applications.

JUDGE

Irfan Ali