

# THE HIGH COURT OF SINDH AT KARACHI

## **Criminal Bail Application No.2651 of 2025**

Applicant : Asfand Yar Wali son of Mehar Dad  
through Mr. Suhail Pervaiz Qureshi,  
Advocate

The State : Through Mr. Zahoor Ahmed Shah,  
Additional Prosecutor General,  
Sindh

Date of hearing : 06.11.2025

Date of decision : 06.11.2025

### **ORDER**

**Jan Ali Junejo, J.-** The Applicant/Accused, Asfand Yar Wali, seeks post-arrest bail under Section 497, Cr.P.C. in Crime No. 666/2025 registered at Police Station Gadap City, Karachi, for an offence under Section 489-B, P.P.C. His earlier bail application was dismissed by the learned VIIIth Additional Sessions Judge, Malir, vide order dated 30.09.2025. Aggrieved thereby, the Applicant has approached this Court.

2. According to the prosecution, on 19.08.2025 at about 03:00 a.m., a police party of Police Station Gadap City, led by **ASI Muhammad Nawaz (the Complainant)**, acting on prior spy information near Bahria Town on the M-9 Motorway, allegedly apprehended the Applicant while he was travelling from Peshawar to Karachi. It is alleged that upon search, a black bag was recovered from his possession containing two envelopes filled with purported counterfeit Pakistani currency amounting to Rs. 6,000,000/- in denominations of Rs. 5,000/- and Rs. 1,000/-. The notes were stated to bear identical serial numbers and were allegedly declared counterfeit on the spot upon examination with a torchlight. No private person was associated with the recovery proceedings. Thereafter, the FIR was lodged at 04:30 a.m., alleging that the Applicant was transporting the purported counterfeit currency for its intended delivery within Karachi.

3. Learned counsel for the Applicant contends that the case is riddled with material doubts: the alleged recovery was effected in the absence of any independent witness; the purported counterfeit currency was declared fake on the spot merely by torchlight without any forensic verification; the

Applicant was shown to have been apprehended at 03:00 a.m. while the FIR was lodged at 04:30 a.m. with no plausible explanation for this delay; and the prosecution has failed to establish any prior connection of the Applicant with the alleged offence or with any network involved in circulating counterfeit currency. Counsel submits that in these circumstances, the Applicant's continued incarceration would serve no useful purpose, and he is entitled to the concession of bail. Lastly, the learned counsel prayed for grant of bail.

4. Conversely, the learned A.P.G. opposes the bail application on the ground that a substantial quantity of alleged counterfeit currency was recovered from the possession of the Applicant, which prima facie connects him with a serious offence affecting the national economy. He argues that the Applicant was apprehended red-handed while transporting the said currency; that the absence of private witnesses is not fatal when the police officials have no enmity with the Applicant; and that the matter requires trial for proper determination, particularly in view of the gravity of the allegations and their wider implications. Accordingly, he submits that the Applicant does not deserve the concession of bail. Lastly, the learned A.P.G. prayed for dismissal of bail.

5. I have considered the submissions advanced by the learned counsel for the Applicant as well as the learned A.P.G. for the State, and have undertaken a tentative assessment of the material available on record, as permissible at the bail stage. Upon such examination, it prima facie emerges that the Applicant was merely found in possession of the alleged counterfeit currency notes, and it remains to be determined at trial whether he had knowledge or reason to believe that the said notes were forged or counterfeit. Section 489-B, P.P.C. contemplates acts of selling, buying, receiving from any person, trafficking in, or using as genuine any forged or counterfeit currency notes. None of these essential ingredients are, at this stage, attributed to the Applicant. At the most, the allegations bring the matter within the ambit of Section 489-C, P.P.C., which concerns mere possession of forged or counterfeit currency and carries a maximum punishment of seven years, thus not attracting the prohibitory clause of Section 497(1), Cr.P.C. Nevertheless, it shall be for the trial Court to finally determine, on the basis of evidence, whether the offence under Section 489-B or Section 489-C, P.P.C., is attracted. For present purposes, however, the case of the Applicant squarely falls within the scope of further inquiry as contemplated under Section 497(2), Cr.P.C. In similar circumstances, the Honourable Supreme Court of Pakistan was pleased to grant bail in **Samiullah v. The State (2021 SCMR 729)**, observing that:

*“After hearing the learned counsel for the petitioner and learned counsel appearing on behalf of State at length and perusal of available record with their assistance, it has been observed by us that as per contents of FIR, allegation against the petitioner is that at the time of his arrest, forged Pakistani currency notes of 1000 denomination were recovered from his possession. Even from the contents of FIR, prima facie the provisions of section 489-C, P.P.C. are attracted in this case as there is no allegation against the petitioner of using as genuine forged or counterfeit currency notes allegedly recovered from him. Nevertheless, it is for the learned trial Court to determine finally whether provisions of sections 489-B or 489-C, P.P.C. are attracted in this case, of course, after recording evidence. As of now, case against the petitioner calls for further enquiry falling within the ambit of section 497(2), Code of Criminal Procedure”.*

6. Moreover, the Applicant is presently in judicial custody; the investigation has been completed; the challan has been submitted; and no further recovery is required from him. In these circumstances, his continued incarceration would serve no useful purpose.

7. For the foregoing reasons, and without entering into a deeper examination of the merits, this Court is satisfied that the material available on record renders the Applicant's case one of further inquiry within the contemplation of Section 497(2), Cr.P.C. The Applicant is, therefore, entitled to the concession of bail.

8. Consequently, this Criminal Bail Application is allowed. The Applicant, Asfand Yar Wali S/o. Mehar Dad, is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.500,000/- (Rupees Five Hundred Thousand Only) and a P.R. bond in the like amount, to the satisfaction of the trial Court. The observations made herein are purely tentative and confined to the disposal of this bail application. They shall not prejudice the trial Court, which shall decide the case strictly on the evidence led before it, uninfluenced by any observation contained in this order. These are the detailed reasons for the short order dated 06-11-2025.

**JUDGE**