

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.3530 of 2025

Applicant : Muhammad Zain son of Muhammad Nazeer
through Mr. Anwar Ali Shah, Advocate

Complainant : Mst. Aisha Bano through Mr. Usama, Advocate

Respondent : The State through Ms. Rubina Qadir,
Additional Prosecutor General Sindh.

Date of hearing : 13-02-2026

Date of order : 13-02-2026

ORDER

TASNEEM SULTANA, J: Through this Criminal Bail Application, the applicant Muhammad Zain seeks post-arrest bail in Crime No.639 of 2025, for the offence under Sections 420, 468, 34 P.P.C., registered at Police Station Awami Colony, Korangi, Karachi. Having been rejected his earlier bail application No.5707 of 2025 passed by the learned IXth Additional Sessions Judge, Karachi East, vide order dated 03-12-2025, and bail application No.229 of 2025 passed by the learned- XIXth Civil Judge & Judicial Magistrate Karachi, East, vide order dated 06-11-2025, hence, this application for the same concession.

2. Brief facts of the prosecution case, are that the complainant Mst. Aisha Bano she had allegedly purchased house bearing No. L-224, Block-B, Sector-10, Bagh-e-Korangi measuring 40 square yards on 02-05-2024 against sale consideration of Rs.60,00,000/-, from co-accused Ayaz Zahid, in presence of present applicant and Muhammad Danish. Subsequently, the complainant claimed to have come to know that the property was disputed and the documents on the basis whereof the transaction had been affected were allegedly forged; she was thereafter dispossessed from the house and possession was handed over to another person. During proceedings before the Court, Mst. Naseem Akhtar surfaced claiming herself to be the lawful owner of the property and disowned the transaction, alleging that accused persons namely Ayaz Zahid, Muhammad Zain, Muhammad Danish and Shahid had prepared forged documents and fraudulently sold her house, whereupon the instant FIR was registered.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated; that he neither prepared any forged document nor sold the property to the complainant; that the transaction, if any, was between co-accused Ayaz Zahid and the complainant; that the role attributed to the applicant is merely of presence; that the matter arises out of property sale transaction carrying civil flavour; that ownership title itself is disputed; that the case is founded upon documentary material; that investigation has been completed and challan has been submitted; that no recovery is required; that the controversies involved require deeper appreciation of evidence; therefore, the case of the applicant squarely falls within the ambit of further inquiry entitling him to concession of bail.

4. Conversely, learned Additional P.G. assisted by learned counsel for the complainant opposes the bail application; contends that the applicant is specifically nominated in the FIR; that he actively participated in fraudulent sale transaction; that the original owner has disowned the sale alleging forgery; that video material shows receipt of consideration; that the offence falls within prohibitory clause; therefore, the applicant does not deserve concession of bail.

5. Heard. Record perused.

6. The allegation against the present applicant is that, in connivance with co-accused Ayaz Zahid, Muhammad Danish and Shahid, he facilitated the fraudulent sale of house No. L-224, Block-B, Sector-10, Bagh-e-Korangi measuring 40 square yards through alleged forged documents, which was subsequently sold to the complainant for Rs.60,00,000/-, whereafter the purported owner disowned the transaction alleging forgery.

7. It appears from the record that the complainant's purchase is asserted to have been through co-accused Ayaz Zahid, while the role attributed to the present applicant is that of presence and facilitation in the sale proceedings; whether such presence translates into criminal liability of preparing or using forged documents, or whether the applicant acted in an intermediary capacity, is a matter to be determined on evidence. The record further reflects that dispute regarding possession arose subsequent to the transaction and the property is alleged to have been handed over to another person, giving rise to competing claims of title and possession inter se the parties. It has also been reported during investigation that the relevant record of the locality pertaining to the subject property was not readily available, thereby making the determination of ownership and knowledge attributable to the accused persons dependent upon documentary scrutiny

and witness examination. Investigation has since been completed and challan has been submitted; no recovery is stated to be outstanding from the applicant and the case is predominantly founded upon documentary material. In such circumstances, the controversies so emerging, including the precise role of the applicant and the existence of dishonest intention at inception, prima facie require deeper appreciation of evidence; therefore, in the tentative assessment of this Court, the matter falls within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C. Reliance is placed in the case of Tariq Bashir and others v. The State (PLD 1995 Supreme Court 34) wherein it has held that where the case of an accused falls within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C., grant of bail becomes a rule and refusal an exception. Likewise, in Muhammad Tanveer v. The State (PLD 2017 Supreme Court 733), it has been reiterated that where the guilt of an accused cannot be determined without deeper appreciation of evidence and the matter requires trial for its resolution, the benefit of further inquiry must be extended in favour of the accused.

8. In view of what has been discussed above, the applicant has made out a case for grant of post-arrest bail within the contemplation of Section 497(2) Cr.P.C. Consequently, the applicant Muhammad Zain son of Muhammad Nazeer is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

9. It is clarified that the observations made herein are tentative in nature and shall not influence the trial in any manner.

JUDGE