

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1260 of 2025

Applicant : Muhammad Tariq son of Abdul Qayyum
through Molvi Iqbal Haider, Advocate.

Complainant : Sarfaraz through Mr. Samiullah, Advocate.

Respondent : The State through Mr. Sharafuddin Kanhar,
A.P.G. Sindh

Date of Hearing : 13.01.2026.

Date of Order : 13.01.2026.

ORDER

TASNEEM SULTANA, J.— Through this Criminal Bail Application, applicant Muhammad Tariq seeks pre-arrest bail in Crime No. 172/2025 for the offence under Section 406 PPC registered at Police Station Azizabad, Karachi. Earlier, the applicant had availed the same relief from the Court of learned Additional Sessions Judge-V, Karachi Central; however, the said interim pre-arrest bail was recalled vide order dated 07.05.2025; hence, this bail application for the same concession.

2. Brief facts as per prosecution case , are that the complainant had advertised his Honda City motor vehicle, model 2021, bearing registration No. BTQ-010, engine No. L13Z-17546075 and chassis No. NFBGM1645MR-270615 for sale through OLX. In that connection, accused Ismail Adamjee contacted him and expressed willingness to purchase the vehicle. The complainant was called to Tabba Hospital, Block-2, where the accused took the vehicle along with its original file and documents on the pretext of test drive and later handed over a pay-order amounting to Rs.3.82 million drawn on Habib Bank Limited. Upon verification from the concerned bank branch, the pay-order was found to be invalid/forged. Thereafter, the accused switched off his mobile phone and blocked the complainant's contact, thereby dishonestly misappropriating the vehicle and its documents, leading to registration of the instant FIR.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated; that his name does not appear in the FIR; that no role has been assigned in the alleged entrustment; that the entire case rests upon documentary transactions requiring deeper appreciation; that the applicant is merely a mechanic by profession who only

inspected the vehicle; that he neither entered into any agreement nor received any consideration; that mala fide on part of complainant is apparent; that delay in lodging FIR further dents prosecution case; that offence does not fall within prohibitory clause; and he prays for confirmation of interim pre arrest bail.

4. Conversely, learned Deputy Prosecutor General assisted by learned counsel for the complainant opposes the application and contends that the applicant is an active participant in the fraudulent transaction; that documentary record establishes his purchase of the vehicle from principal accused followed by onward sale; that the plea now taken is inconsistent with the stance earlier adopted before the learned Trial Court; that agreements to sell, sale receipt, acceptance certificate and transfer documents prima facie establish nexus; that extraordinary relief of pre-arrest bail is not warranted.

5. Heard. Record perused.

6. The allegation against the present applicant, emerging from the prosecution material, is that he is not a mere bystander but an active participant in the chain of fraudulent transactions relating to the subject vehicle, which was allegedly obtained from the complainant through deceitful means by principal accused Ismail Adamjee on the strength of a forged pay order. The record prima facie reflects that after the vehicle along with its original documents had been dishonestly procured, the same surfaced in the transactional custody of the present applicant, who allegedly entered into a sale agreement with the principal accused and thereafter resold the vehicle onward, thereby facilitating concealment, retention and circulation of property alleged to have been obtained through fraud.

7. At this tentative stage, the defence taken by the applicant appears inherently inconsistent and lacks credibility. Before the learned Trial Court, the applicant had taken a categorical plea that he had purchased the subject vehicle from the principal accused through an agreement to sell dated 23.03.2025. However, in the instant proceedings, he has taken a somersault by asserting that he had no concern whatsoever with the transaction and was merely a mechanic who had inspected the vehicle. Such mutually destructive pleas, taken at different stages, render the defence version doubtful and prima facie indicative of an afterthought, disentitling him from the equitable relief of anticipatory bail.

8. Furthermore, the documentary material placed on record, including the sale agreement executed between the principal accused and the

present applicant, the subsequent agreement whereby the applicant resold the vehicle onward, the sale receipt acknowledging payment of consideration, acceptance certificate, and transfer-related documents, prima facie demonstrate that the applicant was not a stranger to the transaction but an integral link in the chain of sale and transfer. The record further reflects that possession and documents of the vehicle had passed through the applicant, thereby furnishing sufficient nexus connecting him with the alleged fraudulent misappropriation. The plea of being a mere mechanic stands prima facie falsified by his own documented conduct.

9. Pre-arrest bail being an extraordinary relief meant to protect innocent persons from mala fide arrest and not to shield those whose conduct prima facie reflects participation in the alleged offence, cannot be extended where reasonable grounds exist connecting the accused with commission of offence and no mala fide or abuse of process is demonstrated. In this regard, I am fortified with the case law of Hon'ble Supreme Court of Pakistan (2019 S C M R 1129) wherein the Hon'ble Supreme Court of Pakistan has held as under: -

"Grant of pre-arrest bail is an extra ordinary remedy in criminal jurisdiction; it is diversion of usual course of law, arrest in cognizable cases; a protection to the innocent being hounded on trump up charges through abuse of process of law, therefore a petitioner seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of mala fide; it is not a substitute for post arrest bail in every run of the mill criminal case as it seriously hampers the course of investigation----the principles of judicial protection are being faithfully adhered to till date, therefore, grant of pre-arrest bail essentially requires considerations of malafide, ulterior motive or abuse of process of law."

10. In view of above, learned counsel for the applicant/accused failed to make out a good case for grant of pre-arrest bail in the light of sub section (2) of Section 497 CrPC. In such circumstances, the instant Crl. bail Application stands dismissed and interim order dated 16.05.2025 was recalled through short order dated 13.01.2026, and these are the detailed reasons thereof.

11. Needless to observe that observations made herein are tentative in nature and shall not prejudice either party at trial.

JUDGE