

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1894 of 2025

Applicant : Asif Khan son of Lal Khan
Through Mr. Shah Imraz Khan,
Advocate.

Respondent : The State
Through Mr. Muhammad Noonari,
Deputy Prosecutor General Sindh.

Complainant : Abdul Ghani son of Maher Khan
Through Mr. Naeem Akhtar Khan
Advocate.

Date of short order : 26.11.2025

Date of reasons : 26.11..2025

O R D E R.

TASNEEM SULTANA J: Through this Criminal Bail Application, the applicant Asif Khan seeks pre-arrest bail in crime No.414/2025 registered at Police Station Boat Basin under Sections 468/471/420 PPC. Earlier, same relief was granted by the learned XIth Additional Sessions Judge, Karachi South, but was recalled vide order dated 19.07.2025; hence, the present application.

2. Brief facts of the prosecution case are that the complainant Abdul Ghani, who is employed in a private job and acquainted with the applicant Asif Khan, was allegedly assured by the applicant in December 2022 that he could secure for him a government post as Junior Clerk in the Health Department against payment of Rs.12,00,000/-, whereupon the complainant initially paid Rs.5,50,000/- as advance; that in 2023 the applicant handed over an appointment letter instructing the complainant to join the Health Department at Hyderabad, which upon verification was found to be fabricated; that when the complainant confronted the applicant and demanded refund, the applicant allegedly avoided him and then offered to sell him one acre of land in Muree Bugti Society, Malir, valued at Rs.9,00,000/-, inducing the complainant to further pay Rs.5,00,000/- as advance and subsequently Rs.2,60,000/-; that the land documents were also discovered to be fake, and despite repeated demands the

applicant did not return the total amount of Rs.13,10,000/-, leading to the registration of the present FIR.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in this case with malafide intention; that the incident took place in 2022 while the FIR was lodged in 2025 after an unexplained delay of three years; that the applicant has no nexus with the alleged offence; that Sections 420 and 471 PPC are bailable whereas Section 468 PPC carries maximum punishment of seven years and does not fall within the prohibitory clause of Section 497(1) Cr.P.C; and that the applicant is, therefore, entitled to confirmation of pre-arrest bail.

4. Conversely, learned D.P.G. assisted by the learned counsel for the complainant opposed the plea and argued that the applicant is nominated in the FIR with specific role of cheating and fraud, therefore he is not entitled for concession of bail.

5. Heard. Record perused.

6. A perusal of the available record reflects that the allegations against the applicant pertain to offences under Sections 420, 468 and 471 PPC, founded essentially on monetary dealings said to have occurred during the years 2022 and 2023. The FIR, however, came to be lodged in 2025, resulting in a delay of nearly three years. Although delay in itself is not invariably fatal, its existence at the bail stage cannot be ignored, particularly when no satisfactory explanation has been offered by the prosecution for such a prolonged lapse of time. This feature, coupled with the nature of the allegations, requires cautious consideration.

7. Whether the applicant in fact received the alleged amounts from the complainant, or whether the documents said to be forged were prepared, issued, or utilized by him, are questions that can only be resolved after the recording of evidence before the trial Court. The prosecution case rests predominantly on documentary material, the proof of which entails establishing authorship of writings, the chain of custody of documents, and the financial trail underlying the alleged transactions. These are matters which, by their very nature, cannot be conclusively determined at this preliminary stage without a full-fledged inquiry at trial. In this backdrop, and considering the nature of

allegations and the evidentiary requirements, the case, *prima facie*, calls for further inquiry within the contemplation of Section 497(2) Cr.P.C.

8. It is further observed that Sections 420 and 471 PPC are bailable, while Section 468 PPC carries punishment up to seven years and thus does not fall within the prohibitory clause of Section 497(1) Cr.P.C. In cases outside the prohibitory clause, grant of bail is a rule and refusal an exception unless exceptional circumstances exist. No such circumstance has been pointed out. Reliance is placed on *Muhammad Tanveer v. The State and another* (PLD 2017 SC 733), wherein it was held:

“Once the Court has held in categorical terms that grant of bail in offences not falling within the prohibitory clause of Section 497, Cr.P.C. shall be a rule and refusal shall be an exception, then the Courts of the country should follow the same principle in its true letter and spirit because consistency in law declared by the Court ensures the rule of law and confidence of Courts throughout the country including the Special Tribunals and Special Courts.”

9. For the foregoing reasons, the interim pre-arrest bail granted to the applicant vide order dated 22.07.2025 was confirmed on the same terms and conditions by a short order dated 26.11.2025, and these are the reasons for the same.

10. The applicant shall attend the trial Court regularly and shall not misuse the concession of bail; any violation shall entail cancellation of bail in accordance with law. The observations made herein are tentative and shall not prejudice either party at trial.

J U D G E