

THE HIGH COURT OF SINDH KARACHI

Criminal Bail Application No. 1155 of 2026

Applicant/Accused : Ghaffar Hussain son of Mumtaz Ahmed through Mr. Irfan Ali, Advocate.

The State : Through Ms. Anam Iqbal, Assistant Prosecutor General Sindh along with Inspector, Muhammad Amin Mughal, P.S. Frere, Karachi.

Date of hearing : 04-05-2026

Date of order : 04-05-2026

ORDER

Nisar Ahmed Bhanbhro, J. - The Applicant/accused seeks post-arrest bail in FIR No.73 of 2026, under sections 420, 468, 471 and 34 PPC, registered at Police Station, Frere, Karachi, after the same was declined by the Additional Sessions Judge-II, Karachi (South) by order dated 06.04.2026.

2. Succinctly, the facts of the case are that on 24.02.2026, a friend of the complainant, namely Waqas, informed him that one Syed Abdul Rafay alias Jameel had certain vehicles available for auction at the yard of the National Bank of Pakistan and that he would facilitate his sale to the complainant. Thereafter, the complainant, along with his said friend Waqas, visited the said yard, where Syed Abdul Rafay alias Jameel was present along with the accused Ghaffar Hussain and another individual namely Shahzad. The said persons showed the complainant certain vehicles, including vehicles bearing registration numbers BEV-540 and BRL-968, make Toyota Corolla. During visit, accused Ghaffar Hussain received an amount of Rs. 24,000/- from the complainant as brokerage charges. Subsequently, on 26.02.2026, Syed Abdul Rafay alias Jameel contacted the complainant via telephone and called him to Café Chaska. The complainant, along with his friends, reached the said location carrying cash, where the aforesaid accused persons were present. At that time, they showed the complainant a purported challan of the National Bank of Pakistan and, on the pretext of completing the transaction, dishonestly induced the complainant to pay an amount of Rs. 4,700,000/-. The accused persons assured the complainant that the vehicles would be handed over after completion of the necessary documentation. However, after receiving

the aforesaid amount, the accused persons absconded from the scene and failed to deliver the vehicles, thereby committing fraud and cheating with the complainant. Hence, the FIR.

3. It is noted that all the offences alleged in the FIR are bailable in nature. On the previous date of hearing, learned Assistant Prosecutor General sought time; however, today as well, the same request has been reiterated without any justifiable cause. Such conduct reflects lack of due diligence and seriousness on the part of the prosecution in pursuing the matter. Furthermore, the alleged offences do not fall within the prohibitory clause of section 497 Cr.P.C. It is also observed that the learned trial Court, while declining bail to the present Applicant/accused, has granted the same to a co-accused. In view of the foregoing facts and circumstances, the request of learned Assistant Prosecutor General for further time is declined.

4. On a tentative assessment of the contents of the FIR, it transpires that the dispute arises out of a business transaction relating to the sale and purchase of vehicles. The case of the prosecution further appears to be that forged and fabricated documents, purportedly issued by the National Bank of Pakistan, were used in the alleged transaction. The evidence in the present case is primarily documentary in nature, which has already been collected by the Investigating Officer; therefore, no further custodial interrogation of the applicant is required. Moreover, the alleged offences do not fall within the prohibitory clause of Section 497 Cr.P.C.

5. For the foregoing reasons, the Applicant/accused namely, Ghaffar Hussain is granted post-arrest bail in FIR No.73 of 2026, under sections 420, 468, 471 and 34 PPC, registered at Police Station, Frere, Karachi subject to furnishing solvent surety in the sum of **Rs. 20,000/-** [Rupees Twenty Thousand Only] alongwith P.R. Bond in like amount to the satisfaction of the trial Court. The Applicant/accused shall be released forthwith, if not required in any other case.

Needless to state that observations herein are tentative and nothing herein shall be construed to prejudice the case of either side at trial.

JUDGE

PS/SADAM*