

IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No.1102 of 2026

Present:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Khalid Hussain Shahani

Applicant:- Arsalan Shafi through Mr. Shaukat Hayat,
advocate.

Respondent:- The State through Syed Khurram Kamal,
Special Prosecutor NAB along with IO/Assistant
Director NAB Danish Iqbal.

Date of hearing:- 11.05.2026

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MUHAMMAD IQBAL KALHORO J: Initially, a reference was filed against father of applicant in the year 2010 with the allegations that he had deposited the Customs Rebate Cheques amounting to Rs.9.3 million in his bank account. He entered into Voluntarily Return (VR) with NAB and during investigation paid some amount but then defaulted. Hence, the reference was filed.

2. Subsequently, in 2014 a supplementary reference was also filed against him and two of his sons with the same allegations but in respect of a different amount i.e. Rs.115 million, which were deposited by them in 80 fake bank accounts operated by them through Customs Rebate Cheques.

3. The applicant remained absconder and was arrested only on 27.11.2025, since then is in jail. The investigation shows that he had opened eight bank accounts and in his bank accounts Rs.40 to 45 lacs as customs rebate were deposited.

4. Learned counsel for applicant has pleaded bail on the ground that in terms of amendment in section 4 of NAO 1999, the amount involved being less than Rs.500 million, the reference has to be transferred to the relevant forum; that he filed application for such purpose before the trial Court but since it is lying vacant, the link Judge did not decide it on merits; that the applicant is in jail only because he had remained absconder and his bail application has been dismissed by the NAB Court, among others, on such ground and the ground that it has no jurisdiction

to entertain the application in the cases in which less than Rs.500 million of amount is involved.

5. On the other hand, learned Special Prosecutor NAB assisted by IO has opposed bail.

6. However, we are of the view that on multiple grounds applicant is entitled to bail. His individual role shows that allegations of 40 to 45 lacs of misappropriation are against him. The amount is not shocking firstly, and he is in jail since 27.11.2025 without the trial being proceeded because on the one hand the Court is lying vacant and on the other hand in view of the amendment in the NAB laws this case involving less than Rs.500 million *prima facie* has to go to the relevant forum. The trial is stuck because of the Court being vacant and the legal question of jurisdiction is yet undecided. The incarceration of the applicant, in the circumstances, in the jail is of no use to the prosecution. To perpetuate his detention without any progress is not the scheme of the law.

7. We therefore are inclined to grant bail to the applicant on the above grounds subject to furnishing two sureties in the sum of Rs.800,000/- and P.R. Bond in the like amount to the satisfaction of the trial Court.

8. The Bail Application is disposed of accordingly. The observations herein above are tentative in nature and shall not affect the case of either party on merits before the trial Court.

JUDGE

HANIF

JUDGE