IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2718 of 2026

Applicant	:	Mureed Hussain S/o. Jam Mittha Through Mr. Sardar Salman Ishaque, Advocate
The State	:	Through Ms. Tahira Depar, A.P.G
Complainant	:	Abuzar son of Zulfiqar Ali,
Date of hearing	:	14.10.2026.
Date of order	:	14.10.2026.

O R D E R

***Jan Ali Junejo*, J.**— Applicant Mureed Hussain son of Jam Mittha seeks post-arrest bail in a case bearing Crime No. 251/2026, for offence under section 365/406/420/34 PPC of P.S Zaman Town, Karachi. Prior to this, the applicant had sought the same relief before the learned Additional Sessions Judge-IX, Karachi East, which was declined vide order dated 25.05.2025.

2. The facts relevant to the present criminal bail application are as follows:

> "The complainant verbally recorded his statement under Section 154 Cr.P.C. on 07.03.2026, stating that he resides at House No. 35, Sector 94, Korangi, and runs a bakery business. He further stated that his father passed away in 2023 and, after his father's last rites, a person namely Iqbal informed him and his brother that their father had borrowed an amount of Rs. 4,000,000/-. The applicant/accused Mureed subsequently settled the matter regarding repayment, whereupon his brother Babar handed over two cheques to Mureed for repayment of the said amount, which were subsequently handed over to Iqbal. During this period, Iqbal informed the complainant that the applicant/accused Mureed had taken a cheque for Rs. 500,000/-, another cheque for Rs. 920,000/- and a cash amount, the exact amount of which is not clear from the statement. Thereafter, the complainant approached the applicant/accused to inquire about the cheques and the cash amount taken from Iqbal; however, the applicant/accused allegedly resorted to lame excuses and delaying tactics. Suspecting the applicant/accused's dishonest intentions, the complainant stopped payment of the cheques. He further alleged that on 05.03.2026, at about 9:30 p.m., the applicant/accused, accompanied by his associates, namely Shafique and one unidentified person, arrived at his shop in a white Alto car bearing registration No. AKE-305. Armed with weapons, they allegedly forcibly attempted to take his brother Babar and his servant, Bakhat Ali son of Muhammad Ali, into the vehicle. However, his brother managed to escape, whereas

> the applicant/accused allegedly abducted his servant, Bakhat Ali, who subsequently escaped from the custody of the applicant/accused. The complainant further alleged that the aforementioned cheques remained in the custody of the applicant/accused and that, after allegedly committing fraud with Iqbal, the applicant/accused abducted his servant to intimidate and terrorize them. He, therefore, sought legal action against the applicant/accused and his associates."

3. Per learned counsel for the applicant, applicant/accused is innocent and has been falsely implicated in the present case; the dispute between the parties is purely of civil and financial nature; that no specific role has been assigned to the applicant in the FIR and the ingredients of section 365 PPC are not attracted; the offence in which the applicant has been charge does not fall within the prohibitory clause and urged that the applicant be extended the concession of bail.

4. Complainant Abuzar son of Zulfiqar Ali is present in Court and has filed his affidavit of no objection, whereby he has expressly stated that he have no objection to the applicant being admitted to bail.

5. Conversely, the learned Assistant Prosecutor General formally opposed the grant of post-arrest bail to the applicant/accused.

6. I have heard learned counsel for the applicant, the learned Assistant Prosecutor General for the State, and have examined the material available on record.

7. The allegations leveled against the applicant primarily arise out of a financial transaction concerning the alleged repayment of an amount purportedly borrowed by the complainant's deceased father. The allegations regarding the cheques and cash amount require independent appreciation of the evidence at trial. So far as the offence under Section 365 PPC is concerned, the complainant has alleged that the applicant, along with his associates, forcibly attempted to take his brother and servant in a vehicle, whereafter the servant allegedly remained in the applicant's custody but subsequently escaped. However, the veracity of these allegations, the precise role attributable to the applicant, and the circumstances surrounding the alleged occurrence are matters requiring further inquiry at this stage. Moreover, the complainant is present before this Court and has submitted an affidavit expressing no objection to the

grant of bail to the applicant. Although such no-objection by the complainant is not, by itself, sufficient to warrant the grant of bail, it is a relevant circumstance to be considered alongside the other facts and circumstances of the case. The alleged offences under Sections 406 and 420 PPC arise out of the disputed financial transaction, while the applicability of Section 365 PPC and the question of the applicant's alleged involvement in the occurrence shall be determined by the learned trial Court after recording evidence. It is also pertinent to note that the offences alleged against the applicant do not, on the face of the record, fall within the prohibitory clause of Section 497 Cr.P.C. In such circumstances, where further inquiry into the applicant's alleged involvement is warranted, the settled principle that bail is a rule and refusal an exception in cases falling outside the prohibitory clause assumes significance. Consequently, without expressing any opinion on the merits of the case, I am of the tentative view that the applicant has made out a case for the grant of post-arrest bail.

8. Accordingly, the instant Cr. Bail Application is allowed, and the applicant/accused Mureed Hussain son of Jam Mithta is admitted to post arrest bail subject to furnishing solvent surety in the sum of Rs. 100,000/- (Rupees One Hundred Thousand only) and a 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 prejudice either party at the trial.

J U D G E