IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2716 of 2026

Applicant	:	Faraz Asif Khan son of Asif Khan Through Mr. Javed Ahmed Qazi, advocate
Complainant	:	Fayyaz Hussain Keerio Authorized Officer of KPT. Through: Mr. Umer Farooq, advocate
The State	:	Through Ms. Najma Latif Golo A. P. G. Sindh
Date of hearing	:	20.10.2026.
Date of Order	:	20.10.2026.

O R D E R

Jan Ali Junejo, J:-- Through this order, I intend to decide the instant post-arrest bail application filed under Section 497 Cr.P.C. by the applicant Faraz Asif Khan son of Asif Khan, who seeks his release on bail in connection with FIR No.07 of 2026 registered at Police Station KPT, Karachi for the offences punishable under Sections 420/468/471/34 PPC. The applicant has approached this Court being aggrieved by the order dated 07.08.2026 passed by the learned Additional Sessions Judge-III, Karachi West whereby his bail application was declined.

2. Briefly stated, the prosecution case as reflected in the FIR is that ASI Muhammad Afzal posted at Police Station KPT, Keamari, Karachi, was present at the police station when SI Fayaz Hussain posted at West Wharf Gate and Ward, KPT West Wharf, alongwith Muhammad Arshad Sargant, produced accused Muhammad Saad son of Sirajuddin along with Memo Book No. 162, Serial No. 37. As per the contents of the memo, the accused was apprehended while entering KPT by allegedly using a forged KPT pass. Upon checking his bag, the following documents were recovered: one fake KPT Service Card bearing BPS-16 and Card No. 345215, two additional KPT cards, one KPT medical card in the name of Sirajuddin, one medical card in the name of Muhammad Saad, one

medical card in the name of Samina Begum, one Salary Approval Certificate, one Ministry of Maritime Affairs Confirmation letter, two KPT Joining Report letters, and the original CNIC of the accused. During his personal search, two Realme mobile phones in working condition were also allegedly recovered from the right pocket of his trousers. Finding reasonable grounds to believe that the accused had committed offences punishable under Sections 420, 468 and 471 PPC, he was arrested in accordance with law and the recovered articles were taken into custody for further legal proceedings, hence this FIR.

3. Learned counsel for the applicant/accused contends that the applicant is innocent and has been falsely implicated in the present case, as his name does not appear in the FIR, he was not present at the place of occurrence, and no alleged forged KPT documents or entry passes were recovered from his possession. He submits that the main accused, Muhammad Saad, from whom the alleged fake documents were recovered, as well as co-accused Abdul Kashif, have already been granted bail; therefore, the applicant is also entitled to the concession of bail on the principle of consistency and parity. He further contends that the prosecution case against the applicant primarily rests upon the statements of the co-accused recorded under Section 161 Cr.P.C., which are uncorroborated by independent evidence and, therefore, require further inquiry under Section 497(2) Cr.P.C. According to learned counsel, the main accused implicated the applicant after an unexplained delay of approximately twelve days, followed by another contradictory statement recorded subsequently, thereby rendering the allegations suspicious and suggestive of an afterthought. Learned counsel further submits that the applicant and the main accused are neighbours and had legitimate business dealings, with reciprocal financial transactions conducted through their respective bank and Easypaisa accounts, which the prosecution has allegedly misconstrued as incriminating evidence. He maintains that no incriminating article has been recovered from the applicant, the alleged secondary recovery consists of duplicate documents already recovered from the main accused, and no SIM cards, call records, messages, or other independent evidence have been produced to establish the applicant's connection with the alleged offence. He also alleges mala fide on the part of the local police, asserting that the actual employer, KPT,

did not lodge the complaint, the relevant CCTV footage was not collected, and the investigation has failed to establish the applicant's involvement through any independent or forensic evidence. Learned counsel further submits that the Investigating Officer has submitted three interim challans dated 24.06.2026, 20.07.2026, and 05.08.2026, but the final challan has not yet been submitted and the investigation remains incomplete. He argues that no handwriting expert's opinion, forensic report, or documentary evidence establishes that the applicant forged, altered, or knowingly used any forged document within the meaning of Sections 420, 468 and 471 PPC. He further contends that the applicant has already remained behind bars for more than two months, his pre-arrest bail application was recalled on 27.06.2026 by the learned 3rd Additional Sessions Judge, Karachi West, and there is no likelihood of his absconding or tampering with the prosecution evidence, particularly as he is a permanent resident, has deep roots in the community, and is the sole breadwinner of his family. Lastly, learned counsel submits that the trial is unlikely to conclude in the near future and that continued detention would amount to pre-trial punishment; hence, in view of the absence of reasonable grounds connecting the applicant with the alleged offences, the principle of consistency, and the circumstances calling for further inquiry under Section 497(2) Cr.P.C., the applicant is entitled to the concession of post-arrest bail.

4. Learned counsel for the complainant vehemently opposes the grant of bail to the applicant and contends that his involvement in the commission of the offence transpired during investigation through the statements of co-accused and other material collected by the investigating agency. He further contends that the pleas regarding financial transactions, delayed statements, contradictions in the prosecution case, mala fide, non-collection of CCTV footage and absence of forensic evidence involve factual controversies requiring determination at trial. He maintains that submission of interim challans and pendency of investigation do not constitute valid grounds for grant of bail and, accordingly, prays for dismissal of the bail application..

5. The learned A. P. G. Sindh appearing on behalf of the State fully adopted the submissions advanced by the learned counsel for the complainant. She also opposed the grant of bail to the applicant, asserting

that sufficient material has been collected during investigation connecting the accused with the offence, and thus, the case does not fall within the ambit of further inquiry.

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

7. Perusal of the material collected during investigation reveals that the prosecution has attributed a specific role to the present applicant in connection with the preparation of forged official documents, including KPT service cards, appointment letters, confirmation letters purportedly issued by the Ministry and other fabricated documents. The fact that the applicant was admittedly serving as a Clerk in the Audit Department of KPT assumes significance in the context of the allegations levelled against him. Furthermore, the prosecution case finds support from the confessional statement of co-accused Abdul Khaliq, voluntarily recorded under Section 164 Cr.P.C. before the learned Magistrate, wherein he specifically disclosed the involvement of the present applicant in preparing and supplying the forged documents and also explained the manner in which such documents were generated and provided to him for obtaining employment in KPT. The said statement, read together with the documentary evidence and statements of prosecution witnesses collected by the investigating agency, prima facie provides corroborative support to the prosecution version and connects the applicant with the alleged commission of the offence. At this stage, the material so far collected cannot be brushed aside, particularly when the allegations against the applicant are specific and supported by the material available on record. The offence punishable under Section 468 PPC is also non-bailable in nature. Consequently, upon tentative assessment of the available material, I am not persuaded to hold that the case of the applicant falls within the scope of further inquiry as envisaged under Section 497(2) Cr.P.C. Rather, sufficient incriminating material is available on record to decline the concession of bail to the applicant.

8. However, the grant of bail to the main accused, Muhammad Saad, and co-accused, Abdul Kashif, does not, by itself, entitle the applicant to the same concession; the applicability of this principle depends upon the

respective roles attributed to the accused and the material available against each of them. The applicant's contention that the statements of the co-accused are uncorroborated, together with the alleged delay in recording such statements, raises questions concerning the credibility and evidentiary worth of the prosecution material, which are to be determined after recording evidence. Upon tentative assessment, I am not persuaded that the grounds advanced by learned counsel for the applicant are sufficient, at this stage, to bring the case within the ambit of further inquiry under Section 497(2), Cr.P.C. The pleas of innocence, false implication, and lack of direct recovery shall remain open for determination by the learned trial Court on the basis of evidence produced during trial.

9. The rule of consistency was explained by Hon'ble Apex Court in the case of Muhammad Atif v. The State (2024 SCMR 1071) in the following words:

> "*7. The rule of consistency in bail matters is attracted and applied after the grant of bail to a co-accused. Grant of bail by a court considers several factors like the contents of the FIR, the incriminating material collected by the police during investigation, the past history of the accused, etc. The grounds which form the basis for the grant of bail to a co-accused is thus the benchmark for grant of bail to the accused under the rule of consistency. Therefore, the court has to assess whether the role of the accused in the FIR, examined in the background of the material collected by the Police is the same as that of the co-accused, who has been granted bail. It is this congruence in the case of the co-accused and the accused that attracts the rule of consistency*."

In light of the foregoing principles, and having found that the applicant's role and the supporting material against them are not identical to those of co-accused, the rule of consistency is not attracted in the present case. Accordingly, this contention of the learned counsel for the applicant fails.

10. The applicant's remaining contentions regarding delayed and contradictory statements, alleged legitimate financial transactions, non-collection of CCTV footage, absence of forensic or handwriting evidence, and alleged mala fide on the part of the police have also been considered. However, these matters require examination in the light of the complete prosecution record and evidence to be produced before the learned trial

Court. The submission of interim challans and the pendency of investigation do not, by themselves, entitle the applicant to bail. Upon tentative assessment of the material available on record, I am not persuaded that the applicant has made out a case for further inquiry within the meaning of Section 497(2), Cr.P.C. The pleas of innocence and false implication shall remain open for determination by the learned trial Court in accordance with law.

11. In view of the foregoing discussion, I find no sufficient ground to extend the concession of post-arrest bail to the applicant at this stage. Consequently, the instant bail application filed by Faraz Asif Khan is dismissed. The observations made herein are tentative in nature and shall not prejudice either party or influence the learned trial Court, which shall decide the case independently on its own merits and in accordance with law.

JUDGE