THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No. 3282 of 2026

Applicant	:	Abdul Rauf Son of Muhammad Anwar Khan Through: Mr. Sajjad Hussain, advocate
Complainant	:	Hakim Khan son of Haji Mehr Khan Through: Nemo
The State	:	Through Ms. Seema Zaidi, Addl. Prosecution General, Sindh.
Date of hearing	:	27.10.2026.
Date of Order	:	27.10.2026.

O R D E R

Jan Ali Junejo, J.- Applicant Abdul Rauf son of Muhammad Anwar Khan seeks pre-arrest bail in a case bearing Crime No. 213/2024, for offence under section 406/34 PPC registered at PS Mauripur, Karachi. Prior to this, the applicant had sought the same relief before the learned Additional Sessions Judge-II, Karachi West which was declined vide order dated 23.09.2026. He was admitted to interim pre-arrest bail by this court vide order dated 01.10.2026, now the matter is fixed for confirmation of interim bail or otherwise.

2. As per the contents of the FIR, the complainant stated that he is engaged in the transport business under the name and style of Javed Enterprises situated at Northern Bypass, Karachi. On 29.06.2018, while he was present in his office, accused Altaf son of Abbas entered into a transaction with him for the purchase of two vehicles, bearing Registration No. JV-5686, make FAW, model 2016, and Registration No. TLM-775(2)2016, Singapori head, for a total consideration of Rs.2,80,00,000/-, out of which the accused paid Rs.31,00,000/- as advance, with an agreement to pay the remaining amount in monthly installments of Rs.1,00,000/- per vehicle. Subsequently, accused Altaf informed the complainant over telephone that he was proceeding to Saudi Arabia and hand over the said vehicles to co-accused Ajmal and Rauf, who would

make the remaining payments; however, thereafter, Ajmal and Rauf stopped contacting him, while accused Altaf also avoided receiving his telephone calls. The complainant alleged that all three accused persons, with dishonest intention, misappropriated his vehicles and, therefore, lodged the FIR seeking legal action against them, hence, this FIR.

3. Learned counsel for the applicant contended that there is an unexplained delay of about six years in the lodgment of the FIR, despite the alleged place of incident being situated within 13 kilometres of the concerned police station. He further argued that the applicant is innocent and has been falsely implicated in the case with mala fide intention and ulterior motives, as the essential ingredients of Section 406 PPC, particularly entrustment of property, are altogether absent, since no vehicle, property or money was directly entrusted to the applicant. He submitted that, as per the contents of the FIR, the principal transaction was between the complainant and the co-accused, whereas the allegations against the applicant are merely based upon verbal statements allegedly made by a co-accused who subsequently proceeded abroad, which, according to him, constitute hearsay evidence and carry no evidentiary value. He further contended that the prosecution witnesses are either closely related to the complainant or police officials, and no independent or impartial witness has been associated with the investigation. Learned counsel maintained that the prosecution story is false, fabricated and concocted, that the applicant has no nexus with the alleged offence and that no incriminating evidence is available against him. He also argued that the alleged offences do not fall within the prohibitory clause of Section 497 Cr.P.C. and that no reasonable grounds exist to believe that the applicant has committed the alleged offence; hence, the applicant is entitled to the concession of bail, as bail is the rule and refusal thereof is an exception. Lastly, he prayed for confirmation of bail application.

4. Complainant Hakim Khan submitted that the matter has been amicably resolved between the parties and has sworn an affidavit expressing no objection to the grant of bail to the applicant. He, therefore, stated that he has no objection if the applicant is admitted to bail in the circumstances.

5. Conversely, the learned Addl. Prosecutor General Sindh formally opposed confirmation of pre-arrest bail to the applicant/accused.

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

7. It appears that the alleged transaction primarily took place between the complainant and co-accused Altaf, whereas the applicant is alleged to have received the vehicles on the basis of instructions conveyed by the said co-accused. The FIR was lodged after an unexplained delay of approximately six years, which prima facie creates a question requiring consideration. Moreover, the complainant, who has categorically stated that the dispute has been amicably resolved between the parties and has submitted an affidavit expressing no objection to the grant of bail to the applicant. Although the learned APG has opposed confirmation of bail, no substantial material has been brought to the notice of this Court to establish that the applicant's release on bail would prejudice the prosecution or that he is likely to misuse the concession of bail. It is also pertinent to observe that the alleged offence under Section 406 PPC does not fall within the prohibitory clause of Section 497 Cr.P.C. The questions relating to the nature of the transaction, alleged entrustment, dishonest intention and the applicant's specific role require deeper appreciation of evidence at the trial stage.

8. At this juncture, a tentative assessment of the available material, coupled with the unexplained delay in lodging the FIR and the complainant's no-objection to the grant of bail, persuades this Court to extend the concession of pre-arrest bail to the applicant. Accordingly, the interim pre-arrest bail granted to the applicant Abdul Rauf son of Muhammad Anwar Khan vide order dated 01.10.2026 is hereby confirmed on the same terms and conditions.

Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice the case of either party before the learned trial Court.

The instant Criminal Bail Application is disposed of accordingly.

JUDGE