

**IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD**

Crl. Bail Application No.S-870 of 2025

Applicant: Syed Raheem Shah through Mr. Shahed,
Advocate.

For the State/FIA: Mr. Bashir Ahmed Almani, Assistant
Attorney General.

Date of hearing: 09-09-2025

Date of Order: 09-09-2025

ORDER

Jan Ali Junejo, J. – This post-arrest bail application has been preferred by Syed Raheem Shah, who stands accused in Crime No. 49 of 2024 registered at Police Station FIA Composite Circle, Hyderabad, for offences under Sections 406 (Criminal Breach of Trust) and 420 (Cheating) of the Pakistan Penal Code. The prosecution alleges that the applicant, along with a co-accused, defrauded the complainant of approximately Rs.2984,500/= by accepting payment for Umrah packages through Pak Mak Travel & Tours which were never arranged. The applicant's quest for liberty has met with consistent refusal in the courts below. His initial bail application was dismissed on merits by the learned Civil Judge & Judicial Magistrate, Hyderabad, on 16.08.2024. An ensuing application before the learned Ist Additional Sessions Judge, Hyderabad, was also dismissed on 31.08.2024, with the court noting prima facie evidence from WhatsApp chats and the applicant's alleged role as a "front-man", alongside his involvement in other similar cases. A subsequent bail application before the trial court, filed after the submission of the challan, was again dismissed on 29.03.2025, and a final attempt at the sessions level was rejected on 17.05.2025. Having exhausted his remedies below, the applicant now invokes the jurisdiction of this Court, seeking bail primarily on

the grounds that he was a mere employee, that no monetary transaction was traced to him, and that his prolonged incarceration without trial warrants relief.

2. The brief facts of the case, as alleged in the FIR, are that the complainant approached the accused persons, who were said to be operating a travel agency under the name and style of “Pak Mak Travel and Tours”, for arranging Umrah pilgrimage for himself and his family. It is alleged that, on the assurance of providing complete Umrah packages including tickets, accommodation and transportation, the complainant was induced to pay an amount of Rs. 2,984,500/-. According to the complainant, payments were made through bank transfers, yet despite repeated requests, the promised services were not delivered and the amount was misappropriated. During inquiry, it surfaced that the banking transactions primarily reflected in the account of co-accused Shehroz Saleem, whereas the present applicant is alleged to have represented himself as C.E.O. or representative of the said agency and interacted with the complainant through WhatsApp messages, calls and meetings. On these assertions, the present FIR was lodged under Sections 406 and 420, PPC.

3. Learned counsel for the applicant has contended that the applicant has been falsely implicated in the case with mala fide intention. It is argued that the applicant is neither the owner nor the beneficiary of the alleged travel agency, rather he was merely employed as a staff member with limited clerical functions. Learned counsel submits that the entire banking trail of Rs. 2,984,500/- leads exclusively to the account of co-accused Shehroz Saleem, whereas no amount is shown to have been deposited in or transferred to the account of the present applicant. It is further contended that no agreement, receipt, or document of entrustment has been produced to connect the

applicant with the alleged misappropriation, and the material relied upon by the prosecution, such as WhatsApp messages and calls, does not establish receipt or retention of money by the applicant. Learned counsel maintains that the investigation is complete, challan has been submitted, the applicant is behind bars for more than a year, and his continued incarceration would amount to punishment before trial. On these grounds, it is urged that the case of the applicant squarely falls within the ambit of further inquiry as envisaged under Section 497(2), Cr.P.C., thereby entitling him to the concession of bail.

4. Conversely, learned Assistant Attorney General has opposed the bail plea and argued that the applicant is not a mere employee but was actively representing himself as the C.E.O. or principal operator of the agency, and that he played a pivotal role in inducing the complainant to part with the money. It is contended that WhatsApp chats, voice messages and other material collected during inquiry prima facie connect the applicant with the offence, showing his active involvement in the fraudulent scheme. Learned A.A.G. further submits that the allegations pertain to misappropriation of a substantial amount involving public trust, which is a serious economic offence affecting society at large. He also pointed out that the applicant is allegedly involved in other cases of similar nature, thereby portraying him as a habitual offender, and if released on bail, he is likely to abscond or tamper with the prosecution evidence. On these grounds, it is prayed that the applicant does not deserve the concession of bail.

5. I have heard the arguments advanced by learned counsel for the applicant as well as the A.A.G. representing the State and have carefully examined the record available at this stage. The tentative assessment of the material reflects that the complainant did pay a considerable amount, however, the banking record shows that the major transactions were credited

into the account of co-accused Shehroz Saleem, and no direct monetary transfer has been shown to have been made into the account of the present applicant. The role attributed to the applicant rests mainly on the allegation that he introduced himself as C.E.O. or representative of the agency and maintained communication with the complainant.

6. It is settled law that deeper appreciation of evidence is not permissible at the stage of deciding a bail application; however, for purposes of tentative assessment, absence of any banking transaction or written document establishing entrustment with the present applicant creates doubt requiring further inquiry into his precise role. Whether the applicant was a mere employee, as asserted by the defence, or an active operator of the agency, as alleged by the prosecution, is a matter that can only be determined after recording of evidence at trial. At this stage, the available material does not conclusively establish direct receipt or misappropriation of money by the applicant, thereby making out a case for further inquiry within the purview of Section 497(2), Cr.P.C.

7. It is also a settled proposition that at the bail stage, only tentative assessment is required and the Court is not to record conclusive findings. The absence of direct entrustment or receipt of funds in the account of the applicant, coupled with the fact that the main banking transactions are in the account of co-accused, creates doubt about the applicant's specific role. Such doubt brings the matter within the scope of further inquiry, as envisaged under Section 497(2), Cr.P.C.

8. The objection raised by the prosecution that the applicant is allegedly involved in other cases is not sufficient ground, at this stage, to deprive him of the concession of bail. It is a well-recognized principle of law that every case is

to be decided on its own facts and circumstances, and unless there is a conviction, mere pendency of other FIRs cannot be treated as proof of guilt. The applicant has been behind bars since August 2024, the investigation is complete, challan has been submitted, and he is no longer required for further investigation. The trial may take considerable time to conclude, and the continued incarceration of the applicant would amount to pre-trial punishment, which is not the purpose of law.

9. In view of the above discussion, I am of the tentative opinion that the applicant has made out a case for further inquiry, falling within the ambit of Section 497(2), Cr.P.C. Consequently, applicant Syed Raheem Shah son of Nasir Hussain Shah was admitted to post-arrest bail in Crime No. 49 of 2024 of P.S. FIA Composite Circle, Hyderabad, subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and P.R Bond in the like amount to the satisfaction of the learned trial Court and these are the reasons of my short order dated 09.09.2025.

10. The observations made herein are tentative in nature and shall not prejudice the case of either party at the time of trial. The learned trial Court is directed to proceed expeditiously with the matter.

JUDGE

Ahmed/Pa,