

## IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1079 of 2025.

Applicant : Muhammad Adil son of Muhammad Haroon,  
Through Syed Amir Shah, Advocate.

Respondent : The State  
through M/s Qamaruddin & Tanseera Ayoub,  
Asstt. P.G. duly assisted by Arfan Hussain  
Shah, Advocate for the Complainant.

Date of hearing : 16.05.2025

Date of order : 19.05.2025

### **ORDER**

**KHALID HUSSAIN SHAHANI, J.** – Applicant Muhammad Adil seeks post-arrest bail in a case bearing crime No. 76/2024 registered at Police Station Nazimabad, Karachi, offence under Sections 420, 468, 471, and 34 PPC. The earlier bail application was dismissed by the learned VI-Additional Sessions Judge, Central, Karachi, vide order dated 14.04.2025.

2. The facts of the prosecution case, as narrated in the FIR, are that the complainant, Dr. Muhammad Shoaib Khan, entered into a purported agreement with the present applicant, Muhammad Adil, and co-accused Syed Muhammad Hassan in June 2023 for the purchase of a plot bearing No. R-817, Block 19, Federal B Area, Karachi. The complainant alleges that he paid a total sale consideration of Rs. 14,000,000/- through a combination of cash and cheque payments and, to meet this financial obligation, even disposed of his personal vehicle. It is further alleged that on 23.11.2023, the applicant and the co-accused visited the complainant's residence and handed over a sale agreement in the name of one Abdul Ejaz, while also receiving an additional sum of Rs.300,000/- and the original property documents for the purpose of registration. However, despite repeated requests and follow-up by the complainant, the applicant and his co-accused failed to perform their contractual obligations and continuously delayed the process of registration on various pretexts. The complainant asserts that the sale agreement was forged and that he was deceived and defrauded by the applicant and his co-accused, resulting in the registration of the aforementioned FIR.

3. Learned counsel for the applicant contended that the dispute arises out of a civil and contractual transaction that has been maliciously converted into a criminal proceeding to exert undue pressure. He

submitted that the applicant merely facilitated the transaction by introducing the complainant to the actual seller, Abdul Ejaz, and had no direct role in the alleged fraud or forgery. It was argued that the agreement in question bears the signatures of all relevant parties, including the complainant, and no evidence of fabrication has been produced. Counsel further submitted that the parties were previously engaged in a joint venture for construction and sale of the property on a profit-sharing basis, and the complainant's failure to meet his reciprocal obligations led to the present dispute. The applicant had already invested Rs.2,000,000/- and issued post-dated cheques under a settlement arrangement, which were allegedly misused to lodge FIR No. 272/2024 under Section 489-F PPC. It was emphasized that the subject agreement was executed between the complainant and Abdul Ejaz, not the applicant, and that the FIR was lodged after an unexplained delay of two months, undermining its credibility. As the case rests on documentary evidence already in possession of the investigating agency and no recovery remains, it was argued that the allegations do not attract the ingredients of Sections 468 or 471 PPC. The applicant has no criminal antecedents, is not a flight risk, and has remained in custody for nearly two months, thereby suffering undue hardship. It was urged that continued detention would amount to pre-trial punishment and that the case calls for further inquiry within the purview of Section 497(2) Cr.P.C. Reliance was placed on judicial precedents allowing bail in cases hinging on documentary proof.

4. Conversely, learned APG, assisted by learned counsel for the complainant, vehemently opposed the bail plea. He submitted that the applicant and co-accused had earlier obtained pre-arrest bail in FIR No. 76/2024 through Bail Application No. 266/2024, subject to a written undertaking acknowledging the transaction and pledging to transfer the subject property to the complainant within 90 days. Upon failure to fulfill the commitment, Criminal Misc. Application No. 148/2024 for cancellation of bail was filed, where after the accused offered a new "settlement" and issued three post-dated cheques, recorded in Court on 31.07.2024. These cheques too were dishonored, resulting in FIR No. 272/2024 under Section 489-F PPC. Thereafter, their bail was cancelled by the learned VI-Additional Sessions Judge, Central Karachi, vide order dated 10.12.2024, directing surrender, which the accused failed to comply with, and they were declared proclaimed offenders in Criminal Case No. 1695/2024. The applicant's subsequent pre-arrest bail applications in FIR No. 272/2024 were also dismissed. Furthermore, documentary evidence, including bank statements and cheques (annexures C-15 to C-17), establish that the

applicant received Rs.3,195,000/- in his personal account from the complainant. The investigation revealed that the alleged seller, Abdul Ejaz, held no lawful title, and the documents provided were forged. The applicant was found to have handed over forged documents under a prior court undertaking. It was emphasized that the applicant repeatedly violated court directions, absconded, and misused the concession of bail, which disentitles him from further relief. Reliance was placed on 2015 SCMR 1716 to argue that persons involved in organized fraud and persistent non-compliance are not entitled to discretionary relief of bail. It was prayed that the application be dismissed in the interest of justice.

5. I have heard the learned counsel for the applicant, the learned Additional Prosecutor General appearing on behalf of the State, as well as learned counsel for the complainant, and have undertaken a meticulous examination of the available record and material placed on file.

6. The facts, when examined in totality, unveil a disturbing sequence of events indicative of calculated deceit, fraudulent manipulation, and conscious abuse of judicial process. The complainant alleges that in June 2023, he entered into a sale transaction involving Plot No. R-817, Block 19, Federal B Area, Karachi, for a total consideration of Rs.14,000,000/-, purportedly to be purchased from one Abdul Ejaz S/o Abdul Ghani, who was introduced and fronted by the present applicant Muhammad Adil and co-accused Syed Muhammad Hassan. The transaction was supported by sale documents, receipts, and undertakings, but culminated in allegations of fraud and criminal breach of trust, leading to the registration of FIR No. 76/2024 under Sections 420, 468, 471, and 34 PPC at P.S. Nazimabad, Karachi.

7. During pendency of pre-arrest bail in Bail Application No. 266/2024, the applicant and co-accused voluntarily submitted undertakings dated 15.02.2024 before the learned VI-Additional Sessions Judge, Central Karachi. By doing so, they admitted the transaction, acknowledged receipt of consideration, and undertook to transfer the property and deliver vacant possession to the complainant within a stipulated 90-day period. The accused also handed over the original documents pertaining to the subject property in Court as a demonstration of their bona fides. This conduct amounts to an express admission of liability and a direct acknowledgment of their intermediary and material role in the transaction. However, the accused failed to honor the commitment within the stipulated timeframe, prompting the complainant to file Criminal Miscellaneous Application No.

148/2024 seeking cancellation of bail. Rather than complying, the accused sought further indulgence by proposing a second “settlement,” wherein post-dated cheques totaling Rs.14,000,000/- were issued, two of which were drawn by the present applicant. Upon dishonor of said instruments, FIR No. 272/2024 under Section 489-F PPC was registered at P.S. Sharifabad, and another application for cancellation of bail (Cr. Misc. Application No. 298/2024) was filed. The learned VI-Additional Sessions Judge, vide well-reasoned order dated 10.12.2024, held that both accused had gravely misused the concession of bail, committed successive breaches of solemn undertakings, and thereby disentitled themselves from any further discretionary relief. Despite specific judicial directions, the accused chose not to surrender before the trial Court and absconded. They were consequently declared proclaimed offenders in Criminal Case No. 1695/2024 by the learned IX-Judicial Magistrate, Central Karachi. Non-bailable warrants were issued, and the applicant remained a fugitive for a considerable period. His subsequent pre-arrest bail applications in FIR No. 272/2024 (Applications No. 2907/2024 and 2995/2024) were dismissed, the latter due to non-prosecution, further reinforcing the applicant’s willful avoidance of judicial scrutiny and lack of bona fides.

8. The record also reveals irrefutable financial trails. The applicant received a sum of Rs.3,195,000/- from the complainant through cross cheques, which were deposited into his personal account (Meezan Bank A/C No. 01140100982393). This account was also used to issue the dishonored post-dated cheques offered in the subsequent settlement. The financial record corroborates the complainant’s claim of monetary consideration and negates the applicant’s stance that he was merely a facilitator with no direct role. Most damning, however, is the conclusion drawn during investigation and reflected in the charge sheet: that Abdul Ejaz, the alleged owner/seller, had no legal title to the subject property, as confirmed by the Karachi Development Authority (KDA). Furthermore, the sale agreement, receipts, and lease documents relied upon by the applicant were found to be forged and fabricated. These documents were not only used to induce the complainant into parting with his property and funds, but were also brazenly submitted in a Court of law during the earlier bail proceedings, thereby misleading the judiciary and attempting to validate a false narrative through judicial endorsement. The applicant’s conduct, both prior to and during the pendency of criminal proceedings, reflects a consistent pattern of deceit, evasiveness, and disregard for the rule of law. From the submission of forged documents in court, to deliberate breach of solemn undertakings, evasion of court directives, and

subsequent absconding, each act underscores a calculated effort to misuse legal remedies to perpetuate fraud. The applicant's repeated violations constitute not mere lapses in compliance but conscious acts of obstruction and bad faith, disentitling him from the discretionary relief of bail. The jurisprudence governing grant or refusal of bail emphasizes that where an accused has abused the concession of bail, flouted court orders, or engaged in organized economic crime involving public deception, such an individual is not entitled to equitable relief. The Hon'ble Apex Court has time and again guideline that the courts must consider the conduct of the accused and the possibility of further misuse of bail in cases involving systematic financial fraud. The Courts are under a constitutional obligation to protect public interest and deter abuse of process where the accused has demonstrated a propensity to undermine judicial authority. It must also be noted that white-collar crimes, particularly involving real estate scams, forged documentation, and inducement through fraudulent instruments, have emerged as sophisticated tools of exploitation with far-reaching implications. Such offenses not only destroy the financial stability of the victims, but also corrode public confidence in legitimate transactional structures. Courts have repeatedly observed that where the crime is committed through breach of trust coupled with fraudulent representations, supported by forged documentation, it ceases to remain a mere civil dispute and squarely attracts penal liability under Sections 420, 468, and 471 PPC. The submission that the transaction is civil in nature is wholly misconceived. The applicant has already admitted his role through written undertakings submitted in judicial proceedings. The subsequent issuance of dishonored cheques, submission of forged documents, and evasion of judicial processes transforms the case into one of structured criminality rather than mere contractual default. The plea of "further inquiry" under Section 497(2) Cr.P.C. does not arise where there is sufficient prima facie evidence of active participation, conscious misrepresentation, and post-offense conduct undermining the integrity of proceedings.

9. The argument that all relevant documents are in the possession of the investigating agency and no further recovery is required, though factually correct, is irrelevant in the present context. In offenses involving criminal breach of trust, forgery, and economic fraud, recovery is not the sole criterion for grant of bail. The focus must instead be placed on the gravity of allegations, nature of evidence, the manner of commission of the offense, the accused's post-crime conduct, and likelihood of further misuse of bail. The applicant has remained a proclaimed offender, has previously misused judicial indulgence, and poses a clear risk of continued

evasion if released. The concept of “financial murder”, a term increasingly used in judicial discourse to describe calculated, organized financial exploitation, is relevant here. The complainant was stripped of his resources under false assurances supported by counterfeit documentation. The economic hardship, reputational damage, and procedural delays suffered by the victim cannot be ignored. The justice system must be vigilant not only to punish such offences but to ensure that individuals perpetrating them do not manipulate procedural safeguards like bail to perpetuate harm.

10. The plea of a "partnership" or joint venture arrangement raised in the present application appears to be a belated and unsubstantiated afterthought. Not only was this defense conspicuously absent in prior bail proceedings, but it also finds no support in the documentary record or witness testimony. No written agreement delineating the terms of any such partnership, shareholding, profit-distribution, or joint ownership has been produced. In the absence of any cogent material substantiating the existence of a tri-partite agreement, this plea fails to inspire judicial confidence and is *prima facie* designed to deflect culpability. Courts are not to act upon vague and self-serving assertions made without evidentiary backing, particularly when raised for the first time at an advanced stage of proceedings. It is trite law that the grant of bail is a discretionary relief, which must be exercised judiciously and not in favour of an accused who, after obtaining the concession of bail, demonstrates contempt for the judicial process by violating undertakings, submitting forged documents, and absconding. The Supreme Court of Pakistan, in a catena of judgments including PLD 2007 SC 539 and 2015 SCMR 1716, has held that where an accused misuses the indulgence extended by a court and attempts to subvert the course of justice, such conduct disentitles him from the equitable relief of bail. In the present case, the cumulative conduct of the applicant, including written admissions of liability, dishonored financial instruments, proven submission of forged documents before the Court, and deliberate absconding, clearly reflects a strategy of manipulation and deception aimed at defeating the due process of law. The argument that the case is documentary in nature and does not require custody is fallacious. In cases involving white-collar crime, forged instruments, and financial fraud, the role of the accused cannot be assessed solely on the basis of recovery; the applicant's conduct, intent, and misuse of judicial process are equally relevant. The record furnishes reasonable grounds within the contemplation of Section

497(1) Cr.P.C. to believe that the applicant is involved in serious economic fraud involving forged public and private documents, fraudulent inducement, and systemic breach of public trust. His actions strike at the core of commercial and legal certainty, warranting a firm judicial response to prevent further abuse and uphold the credibility of the justice system.

11. Given the totality of circumstances, including the seriousness of allegations, the applicant's conduct, his repeated violations of judicial trust, and his role in presenting forged documents in court, and for the reasons already detailed in preceding paragraphs, there seems no justification to extend the concession of bail to the applicant; rather his conduct disentitles him from any discretionary relief at this stage. His release would not only jeopardize the trial but also embolden similar fraudulent conduct, eroding the sanctity of judicial oversight. Hence, his application lacks merit and stands dismissed accordingly. The Office is directed to ensure that a copy of this order is transmitted to the learned trial Court for its information, necessary compliance, and placement in the relevant file.

12. Needless to observe, the findings and observations contained herein are tentative in nature, confined to the decision of the present bail application, and shall not influence the trial Court in adjudicating the matter on merits.

**J U D G E**