

Bail granted in Baking Case - forged signature -  
further inquiry. (249)

ORDER SHEET  
IN THE HIGH COURT OF SINDH, AT KARACHI.

**Crl. Bail Appln. No.1783 of 2021.**  
**Crl. Bail Appln. No.1823 of 2021.**

Date	Order with signature of Judge
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For hearing of bail application.

**29.10.2021.**

M/s. Rizwan Ahmed Siddiqui and Furqan Ahmed Siddiqui,  
Advocates for the applicant in Crl. Bail Appln.  
No.1783/2021.  
Mr. Shaikh Rehan Farooq, Advocate for the applicant in Crl.  
Bail Appln. No.1823/2021.  
Mr. Irshad Ali, Assistant Attorney General a/w PI/I.O.  
Manzoor Ali, FIA-CBC.  
Complainant Shakeel Naqvi and Kamran Naseer.

**Mohammad Karim Khan Agha-J.** The applicants Zeeshan Ali Khan and Aamir Ahmed Tareen have both filed these post arrest bail applications. Since the bail applications arise out of one and the same FIR, we intend to dispose of the same by way of this common judgment.

2. The brief facts of the case are that the applicants were booked in FIR No.12 of 2021 at FIA-CBC Karachi under section 409, 420, 468, 471, 109 PPC dated 04.08.2021. It is alleged in the FIR that the applicants in connivance with co-accused Sohail Qaiser who are Bankers of Dubai Islamic Bank Limited, Karachi and the beneficiary Younus connived and colluded with each other in order to defraud the bank by clearing fund transfer application forms which had been forged by the co-accused Sohail Qaiser in the name of the victim lady Mst. Sakina who was holding her Bank Account with DIBPL Avari Tower Branch.



3. We have heard the parties and perused the record.

4. It is noted at the outset that complaint was received 05 years before even the FIR was filed which is an inordinate delay which went unexplained. Interim challan has now been filed and the final challan is yet to be filed and as such no charge has been framed against the applicants. There are also at least 07 PWs. It is also noted that all the offences except one are bailable. Prima-facie it would appear that co-accused Soahil Qaiser duped victim lady Mst. Sakina into signing various forms for investment purposes. Thereafter co-accused Sohail Qaiser signed forged signature of Mst. Sakina who marked on the transfer forms that Mst. Sakina had appeared in person and had signed the same. The role of the applicant Zeeshan Ali Khan was limited to comparing the signature of Mst. Sakina on her account application form with her signatures on two transfer forms in respect of Rs.1.47 million and Rs.29,500/-. We have examined the signatures on the account opening form as well as fund transfer forms and prima-facie they seem to be reasonably similar. With regard to applicant Aamir Ahmed Tareen his role was limited to giving the final authorization for the transaction which he gave. Once the fund transfer was authorized the same was transferred in the account of another co-accused namely Younus who was the beneficiary of the scam. It might be that the applicants were in league with the other co-accused in this scam. However, since the I.O. is still waiting opinion of handwriting expert to determine whether the signatures on the fund transfers were forged and if forged it is yet to be determined whether or not the applicant Zeeshan Ali Khan could have reasonably determined that the signatures did not match in

any way and that the applicant Aamir Ahmed Tareen only get approval to the transaction after completion of formalities, we find that both the applicants have made out a case of further inquiry especially keeping in view the fact that the loss to the bank is on about 15 lacs and the trial will take some time to conclude and as such both the applicants Zeeshan Ali Khan and Aamir Ahmed Tareen are granted post-arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees two lac only) each and P.R. Bond in the like amount to the satisfaction of Nazir of this Court.

5. It is made clear that this order is only based on a tentative assessment of the evidence on record and it would have no bearing on the outcome of the trial which shall be decided by the learned trial court on merits after recording of the evidence.
6. The above two bail applications stand disposed of in the above terms.