

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No. S-168 of 2025

Applicant: Khurram Shahzad *through* M/s Achar Khan Gabol and Amjad Ali Bhutto, Advocates

Complainant: Abdul Aziz Abbasi, *through* Mr. Abdul Salam Abbasi, Advocate

Respondent: The State, *through* Mr. Nisar Ahmed Abro, Deputy Attorney General along with Investigation Officer, Inspector Lutuf Ali of P.S FIA

Date of hearing: 17.7.2025 and 28.7.2025

Date of decision: 28.7.2025

ORDER

Muhammad Jaffer Raza, J.- Through captioned criminal bail application, applicant Khurram Shahzad son of Muneer Hussain, seeks post-arrest bail in FIR No.37/2024, registered at P.S FIA CCRC, Sukkur for the offence punishable under Sections 03, 04, 14 PECA, 2016 read with Sections 419, 420, 468, 471 and 109 PPC.

2. Learned counsel for the applicant has contended that the applicant has been incarcerated since 11.12.2024 and most of the offences under which has been charged fall outside of the prohibitory clause of Section 497 Cr.P.C. He has further stated that the bank account allegedly belonging to him had not been opened by the said individual as he is uneducated and his details have been used by unknown persons who committed the alleged fraud. He has further stated that in light of the fact that most, if not all, of the offences are outside of the prohibitory clause of Section 497 Cr.P.C and grant of bail is a matter of right and bail should not be withheld as a punishment.

3. Learned Counsel appearing for complainant stated that the complainant is retired doctor and invested significant sums of money with the accused persons

who according to him are “scammers”. He has further stated that the said accused persons are operating a network and will abscond in case the bail is granted to them. The said contentions advanced by the learned counsel for the complainant were supported by the learned DAG who stated that there is sufficient evidence to connect the applicant with the commission of the offence as he is a direct beneficiary of the fraudulent transaction. He has reiterated the contentions of the learned counsel for the complainant and stated that there is high risk of abscondence of as huge amount of money is involved. Lastly, he has submitted that the final challan in the case has already been submitted before the learned trial Court and therefore, the applicant is not entitled for the concession of bail.

4. I have heard the learned counsel for the respective parties and perused the record available before me.

5. The instant Bail Application was earlier heard on 17.07.2025 and the contentions of the learned counsel were heard by me. Thereafter, I specifically posed a question to the learned counsel for the applicant in reference to the surety he is willing to deposit to ensure that the applicant does not abscond from the case. Today he has appeared before this Court and has placed before me the original passport which is valid till 18th July, 2028 and has stated that as surety, he is willing to deposit the same.

6. On merits, it is held that most of the offences as noted above fall outside of the prohibitory clause of Section 497 Cr.P.C and I agree with the contentions of the learned counsel for the applicant that in such case grant of bail is a matter of right. Further it is settled principle of that that the bail cannot be withheld as punishment. Even otherwise it has been contended by the learned DAG that final challan in the case has been submitted which inevitably means that the applicant is no longer required for the purpose of investigation and there is no chance of tampering with the prosecution evidence.

7. In light of the above noted circumstances, the applicant is admitted to bail subject to his furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Lacs), along with personal bond in the like amount and deposit of the passport before the learned trial for its satisfaction.

8. Needless to mention that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

JUDGE

Naveed Ali