

**IN THE HIGH COURT OF SINDH AT KARACHI**

**CRL. BAIL APPLICATION NO. 2248 OF 2025**  
[Mst. Sumaiya Javed vs. The State]

**CRL. BAIL APPLICATION NO. 2156 OF 2025**  
[Sheikh Shahzad Ahmed vs. The State]

Applicant : Sumaiya Javed  
through Mr. Khalid Hussain Suhag,  
Advocate.

Applicant : Sheikh Shahzad Ahmed  
through M/s. Muhammad Zeeshan  
Abdullah and Abdul Qayyum Abbasi,  
Advocates.

Complainant : Muhammad Shabbir  
through Mr. Tariq Hussain, Advocate.

Respondent : The State  
through Ms. Rahat Ahsan,  
Additional Prosecutor General.

Date of hearing : 24.09.2025

Date of Order : 21.10.2025

**ORDER**

**Omar Sial, J.:** Mst. Sumaiya Javed and Shaikh Shehzad Ahmed have sought post-arrest bail in crime number 170 of 2025 registered at the New Karachi Industrial Area police station. The case was initially registered under section 420 P.P.C., but after investigation, sections 467, 468, 471, 419, and 34 of the P.P.C. were added.

2. The F.I.R. mentioned above was registered on the information provided by Muhammad Shabbir. He reported that on 01.03.2025, a transaction was concluded through the OLX platform for the sale of his white colored 2017 Honda Civic with the registration number

BMW-345. The purchaser was one Mst. Warda Wajahat, wife of Wajahat Ali, resident of Flat No. A-6, Haji Commercial, Defence Housing Authority (DHA), Karachi. The sale was agreed upon for a total consideration of Rs. 4,650,000, duly documented through a written agreement dated 01.03.2025. Pursuant to the agreement, the complainant handed over the vehicle along with its original file to Mst. Warda Wajahat (Mst. Sumaiya Javed), and in return received Pay Order No. AD-689237892, dated 28.02.2025, drawn on Habib Metropolitan Bank, I.I. Chundrigar Road Branch, Karachi, for the amount of Rs. 4,650,000. When Shabbir deposited the pay order in his bank for encashment, he was informed that it was a fake instrument.

3. Learned counsel for Sumaiya Javed contended that the applicant is absolutely innocent and has no connection whatsoever with the alleged transaction. He further submitted that the applicant has been falsely implicated in the present case, and her name does not even appear in the FIR. It was argued that the prosecution had maliciously dragged the applicant into this matter, despite the complainant neither entering into any agreement with the applicant nor making any specific allegations against her. Rather, the agreement in question was executed with one Ms. Warda Wajahat Zakai. Learned counsel further argued that the applicant neither issued any pay order nor was assigned any role in the alleged transaction. He contended that the offences alleged do not fall within the prohibitory clause of Section 497(1) Cr.P.C., and, as per settled principles laid down by the superior courts, in cases not falling within the prohibitory clause, bail is the rule and its refusal is the exception. It was further argued that there is neither any direct nor indirect evidence available on record against the applicant. Moreover, the applicant, being a woman, is entitled to the benefit of the first proviso to Section 497(1) Cr.P.C. In support of his contentions, learned counsel placed reliance upon the case of *Tahira*

*Batool v. The State* (PLD 2022 SC 764) and prayed for the grant of bail.

4. Conversely, the learned Additional Prosecutor General, duly assisted by the learned counsel for the complainant, opposed the bail application. She submitted that the applicant is neither innocent nor falsely implicated. It was contended that Sumaiya Javed impersonated Ms. Warda Wajahat and thereby cheated the complainant by delivering a forged pay order and received physical possession of the vehicle. Shaikh Shahzad according to the learned Additional Prosecutor General, is a member of the same gang that cheats people and hence the vehicle in question changed hands so quickly after the fraudulent transaction. Finally, she prayed for dismissal of the bail applications.

5 I have heard the learned counsels for the applicants and the learned Additional Prosecutor General and counsel of the complainant and perused the record.

6. The F.I.R. was initially registered under Section 420 P.P.C. against a woman, namely Warda Wajahat. During the course of the investigation, the Investigating Officer, accompanied by the complainant Shabbir and his witness Shahid, visited House No. B-228, Block-A, North Nazimabad, purportedly the residence of Warda Wajahat. However, upon arrival at the said premises, neither the complainant nor the witness identified the woman residing there as the person who had executed the agreement, received the vehicle from the complainant, or delivered the forged pay order. Subsequently, a video clip went viral on social media showing a young woman being confronted by members of the public, allegedly in connection with a fraudulent transaction. This video attracted the attention of the Investigating Officer, who proceeded to obtain her personal details and background information. The said information was then shared with the complainant, who positively identified the woman in the video as the same person who had impersonated

Warda Wajahat, delivered the fake pay order, and received the vehicle along with its file. Her identity was later confirmed to be Mst. Sumaiya Javed.

7. Sumaiya Javed's learned counsel has stressed on the case of *Tahira Batool* (supra) in support of his argument that a woman must be granted bail. In this case, the Supreme Court observed:

*"The exceptions for refusing bail in offences that do not fall within the prohibitory clause of section 497(1), Cr.P.C. are therefore also applicable to the accused who pray for bail under the first proviso to section 497(1), Cr.P.C. in an offence falling within the prohibitory clause. These exceptions are well settled by several judgments of this Court. They are likelihood of the accused: (a) to abscond to escape trial; (b) to tamper with the prosecution evidence or influence the prosecution witnesses to obstruct the course of justice; or (c) to repeat the offence keeping in view his previous criminal record, nature of the offence or the desperate manner in which he has prima facie acted in the commission of offence".*

8. It is well settled that every court subordinate to the Supreme Court is bound by its decisions, and there can be no exception to this principle. Therefore, it is pertinent to record that I respectfully disagree with the learned counsel for the applicant that the *Tahira Batool* case supports the proposition that a woman must necessarily be granted bail in all situations. The Supreme Court itself, in a subsequent case, *Mst. Fursan v. The State* (2022 SCMR 1950), denied bail to a woman in a narcotics-related case, as the matter fell within one of the exceptions highlighted in the *Tahira Batool* judgment. The Court observed:

*"The reliance of the learned counsel for the petitioner on the Tahira Batool case is misconceived, as in the said case, the Court also observed that the persons involved in the commission of offences of*

*robbery or dacoity are usually professional criminals, and there is a likelihood that they would repeat the offence if enlarged on bail."*

9. The learned counsel for the applicant stopped short of citing the *Fursan case*, as perhaps that did not support the argument he had built up.

10. In the present case, upon a tentative assessment of the investigation papers, it appears that the applicant/accused not only used a false identity for herself but also for her husband, whose fictitious name was shown as *Ismail Adamjee*. She also concealed her actual address in FIR No. 322/2021, registered at Police Station Joharabad, wherein she mentioned only the house number instead of providing the complete address. Furthermore, there is video evidence that the applicant/accused may have a nexus with other similar fraudulent transactions. These circumstances indicate a strong likelihood that the offence will be repeated, suggesting that the applicant is a habitual or professional offender involved in such offences. The fact that her act of using fictitious names has not been denied or justified by her counsel also does not shed a good light. The case of the applicant, therefore, falls within the exceptions envisaged in the *Tahira Batool* case. No mala fide intent or ill will on the part of the complainant has been pointed out or argued by the learned counsel that could suggest a false implication.

11. In view of the foregoing factual and legal position, the applicant/accused is not found entitled to the relief of bail under the first proviso to Section 497(1), Cr.P.C., as the circumstances of the case disentitle her to such concession. There is sufficient evidence with the prosecution, which, upon tentative assessment, does establish her nexus with the crime. Accordingly, her bail application is dismissed.

12. As far as the case against Sheikh Shahzad is concerned, during the course of investigation, as is also mentioned above, it was revealed that one lady, namely Summaya Javed, d/o Javed Mustafa,

had used the CNIC of Mst. Warda Wajahat. It also came on record that one person, namely Raees Iqbal s/o Muhammad Iqbal, had assumed a false identity as Ismail Adamjee s/o Ghaffar Adamjee by forging the CNIC of the said Ismail Adamjee. The said Raees Iqbal sold the aforementioned vehicle to one Habib Hassan, s/o Habib Muhammad, on 02.03.2025 for Rs. 3,800,000/-. Subsequently, Habib Hassan sold the exact vehicle on 03.03.2025 to Sheikh Shahzad Ahmed, the present applicant, for Rs. 4,350,000/-. Hence, he was arrested for being the last purchaser and possessor of the subject vehicle, allegedly involved in the commission of an offence punishable under Section 420 of the Pakistan Penal Code. Sheikh Shahzad was neither a direct party to the act of cheating with the complainant, nor was the vehicle recovered from his possession during the investigation. I have considered the State's argument that Sheikh Shahzad is also a member of the same gang of cheaters. Be that as it may the evidence on record does not clearly indicate his involvement with the case as a gang member. He continues to say that he is a bona fide purchaser of the vehicle, and it is also a matter of record that he has initiated the requisite civil proceedings for declaration of ownership and that currently there is a stay order operating in those proceedings in his favour. It is also yet to be seen whether the allegation against him falls within the ambit of section 423 P.P.C. The case against Sheikh Shahzad is one of further inquiry.

13. Given the above:

- (i) CrI Bail App No. 2248 of 2025 filed by Summaya Javed is dismissed.
- (ii) CrI Bail App No. 2156 of 2025 filed by Shahzad Ahmad is allowed. He is admitted to post-arrest bail subject to furnishing a solvent surety in the sum of Rs. 500,000 and a P.R. bond in the like amount to the satisfaction of the learned trial court.

**JUDGE**

