

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1910 of 2025

Shahid Iqbal son of Muhammad Ishaq.....Applicant/Accused

Versus

The State.....Respondent

Date of Hearing : 20.10.2025

Date of Short Order : 20.10.2025

For the Applicant : Malik Muhammad Azeem, Advocate.

For the complainant : Mr. Amir Asher Azeem, Advocate.

For the State : Ms. Rubina Qadir, D.P.G.

ORDER

TASNEEM SULTANA, J: Through this criminal bail before arrest application, the applicant Shahid Iqbal son of Muhammad Ishaq seeks concession of pre-arrest bail in Crime No.200 of 2025 registered at Police Station Peerabad, Karachi West, under Sections 406/420/506/34 PPC. Earlier his bail plea was declined by the learned IVth Additional District & Sessions Judge, Malir Karachi vide order dated 10.07.2025; he has now approached this Court for pre-arrest bail and interim pre-arrest bail was granted to him vide order dated 23.07.2025. The matter is now fixed for confirmation or otherwise.

2. Brief facts of the prosecution case as narrated by the complainant in the FIR are that he is a businessman by profession. On 11.10.2023, through the reference of Ghulam Ahmed Qureshi, he entered into a business partnership agreement with Shahid Iqbal (present applicant) regarding the operation of a warehouse located in Landhi 89. Malir, Karachi. As per their mutual understanding, the entire financial investment, procurement of raw material (Gum Peeli Powder), utility bills, maintenance and repair of the premises was the sole responsibility of the complainant, while accused Shahid Iqbal was responsible for dealing with buyers and business execution. The complainant invested in production and upon his temporary departure for an eye operation, he entrusted full control of operations to Shahid Iqbal. However, in his absence, accused Shahid Iqbal

allegedly misappropriated 208 prepared bags of Gum Peeli Powder (each bag valued at Rs.6,500/-), sold the same, and pocketed the proceeds. Upon return on 02.10.2024, the complainant confronted the accused, but he denied any liability and existence of any inventory or outstanding amount and issued criminal threats of death in case of any future claims.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated due to malafide intention and ulterior motive; that the business was being run on rental premises and was affected by general market trends; that the complainant was merely an investor and not a formal partner; that the losses occurred due to market fluctuation; that the complainant exited the business in March, 2024 after clearing all dues and is now levelling false allegations; that the matter is purely civil nature but the complainant has converted the same into criminal; that there is no evidence that the applicant/accused has beaten the complainant; that in view of the facts and circumstances of the case, this is a fit case for further inquiry, therefore the rule of bail applies and refusal is an exception.

4. Conversely, learned DPG assisted by the counsel for complainant opposed the grant of bail contending that the accused has misappropriated the complainant's goods but also issued life threats and the documentary record corroborates the version of the complainant; that the applicant's role is specific and he is not entitled to confirmation of bail.

5. Heard. Record perused.

6. It appears from the record that the dispute between the parties stems from business partnership agreement which is admitted by the complainant himself. Whether the documents executed were genuine or forged and whether there existed dishonest intention from inception are questions requiring determination at trial on the basis of evidence. Prima facie, the allegations are interlinked with a civil transaction and the element of criminal intent, if any, can only be assessed after recording of evidence. The alleged threats also appear doubtful as no independent or supporting material has been produced.

7. It thus reflects, on tentative assessment, that the case of the applicants falls within the ambit of further inquiry as envisaged under Section 497(2) Cr.P.C. In case titled "*Syed Aman Ullah Shah v. The State and another*" reported as PLD 1996 SC 241, the Apex Court has held as follows:-

"So whenever reasonable doubt arises with regard to the participation of an accused person in the crime or about the truth/probability of the prosecution case and the evidence proposed to be produced in support of the charge, the accused should not be deprived of benefit of bail. In such a situation, it would be better to keep an accused person on bail than in the jail, during the trial."

8. In view of the above facts and circumstances, interim pre-arrest bail granted to the applicant vide order dated 23.07.2025 is confirmed on the same terms and conditions and these are the reasons for the same.

9. The applicant shall attend the trial regularly and shall not misuse the concession of bail; any violation shall entail cancellation of bail according to law. The observations made herein are tentative in nature and shall not prejudice either party at trial.

JUDGE

Ayaz Gul