

IN THE HIGH COURT OF SINDH KARACHI

CR. BAIL APPLICATION NO.439 OF 2025

Applicants : Arif Hussain & another,
Through Mr. Qamar Hussain
Advocate

Respondent : The State
through Mr. Muhammad Iqbal
Awan, Additional Prosecutor
General

Date of hearing : 18th September 2025

Date of announcement: 24th September 2025

ORDER

Omar Sial, J.: Arif Hussain and Nadeem Ali seek pre-arrest bail in crime number 23 of 2025 registered under section 381 P.P.C. at the Sohrab Goth police station. The F.I.R. was registered on information provided by Aurangzaib Khan on 12.01.2025 of an incident which had occurred between 09.01.2025 and 12.01.2025. Khan reported that the applicants worked as clerks in his transport business. Khan did not go to work for a few days beginning on 09.01.2025. Upon visiting the office on 12.01.2025, he discovered that it had been broken into, resulting in the loss of Rs. 345,000 and some essential documents. Two other staff members told Khan that the applicants had taken the money from the locker by saying that they were taking it to give it to Khan.

2. The complainant Khan swore an affidavit that he has no objection if bail is granted, as he has settled the dispute with the applicants. Although Khan might have compounded the offence, the fact is that an offence under section 381 P.P.C. is non-compoundable. Be that as it may, Khan's agreement to drop the case against the applicants creates doubt in the authenticity of the case, making it difficult to eliminate malafide at this preliminary stage. It makes the case against the applicant as one of further inquiry.

3. Given the above, the interim pre-arrest granted to the applicants stands confirmed on the same terms and conditions.

JUDGE