

IN THE HIGH COURT OF SINDH AT KARACHI

Present

Mr. Justice Dr. Syed Fiaz ul Hassan Shah

Criminal Bail Application No.2000 of 2025

Applicant : Shahid Ali son of Shoukat Ali
through Mr. Riaz Hussain Soomro,
Advocate

Complainant : Abdul Razzaq son of Muhammad Yousuf
through Mr. Masjood Ali Memon,
Advocate

Respondent : The State
through Mr. Muhammad Noonari, DPG

Date of hearing : 01.10.2025

Date of order : 01.10.2025

ORDER

Dr. Syed Fiaz Ul Hassan Shah, J. - Through this bail application, applicant/accused seeks post-arrest bail in Crime No.404/2025 for offence under Section 406, 420, 34 PPC registered at PS Korangi. His bail plea has been declined by the learned XIVth Addl. Sessions Judge, Karachi East **[Trial Court]** vide order dated 23.05.2025.

2. The facts are incorporated in the FIR as well as in the impugned order and do not need to be reproduced for the purposes of deciding the bail application.

3. Learned counsel for the applicant contends that the applicant has introduced the complainant with Yar Muhammad and in view of such fact, the prosecution has set up the case against the applicant. He further contends that neither Section 406 PPC nor Section 420 PPC is attracted in the case of the applicant. He further states that an Agreement is available with the prosecution which is executed by the complainant in which signature of the applicant Shahid is forged; as such, he is entitled for concession of bail.

4. On the other hand, learned counsel for the complainant states that as per the contents of FIR and the police report submitted under Section 173 Cr.P.C., the applicant is the main accused in whose assurance and guarantees, the goods amounting to Rs.42,50,000/- was handed over to Yar Muhammad and later on, the investigation reveals that it is the organized Group in the area which have made various agreements with different people so also involved in kidnapping of ransom. Learned DPG states that the applicant is a principal accused and therefore, he is not entitled for concession of bail.

5. I have heard the learned counsel for the applicant, learned counsel for the complainant and learned Addl. P.G. and perused the material with their able assistance.

6. I have considered the contention of learned counsel for the applicant that none of the provision of Section 406 PPC or 420 PPC is attracted in the case of applicant is not tenable. For the convenience, Section 406 PPC is reproduced as under:

“406. Punishment for criminal breach of trust:
Whoever, commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.”

7. From the contents of FIR as well as investigation report submitted by the I.O. it has been clearly established that the applicant Shahid has introduced with impersonation Owner/Sait and he is the one in whose assurance, the goods amounting to Rs.42,50,000/- were delivered by the complainant to Yar Muhammad. The contention of learned counsel about any variation and depreciation or forging of the signature cannot be decided at this stage which is pure function of the trial Court and the parties will be at liberty to raise such objection during the trial of the case.

8. I have further observed that Yar Muhammad has also issued a Cheque amounting to Rs.38,50,000/- through the applicant. No doubt, the case does not fall within the prohibitory clause of Section 497 Cr.P.C.; however, it is not universal formula to grant bail to every applicant who is charged with offences fall under ambit of

non-prohibitory clause but the Superior Courts regulate such doctrine on case to case basis. In the present case, complainant has been deprived from his valuable money through impersonation and fraud and the goods were delivered on the sole assurance and guarantee of the applicant which was entrusted to the applicant by the complainant before handing over the same to Yar Muhammad therefore sufficient incriminating material is available on record which connects the applicant with the commission of offence. The applicant is not entitled for concession of bail; as such, the instant bail application is dismissed.

8. It is clarified that the observations made hereinabove are tentative in nature and shall not prejudice the trial Court, which shall decide the case strictly on its merits and in accordance with law.

JUDGE

Kamran/PS