

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No.3200 of 2025

Applicant : Jafar Imam Siddiqui, through Mr. Anwar Ali Shah,
Advocate.

Respondent : The State, through Mr. Muhammad Noonari,
D.P.G.

Date of Hearing : 27.04.2026.

Date of Order : 27.04.2026.

O R D E R

TASNEEM SULTANA, J.— Through this criminal bail application, the applicant Jafar Imam Siddiqui seeks pre-arrest bail in Crime No.41 of 2024, registered under Sections 161, 166, 217, 218, 288, 420 and 34, P.P.C., read with Section 5(2) of the Prevention of Corruption Act, 1947, at Police Station Kharadar, Karachi South. Earlier, his Criminal Bail Application No.46 of 2025 was dismissed by the learned Special Judge, Anti-Corruption (Provincial), Karachi, vide order dated 04.11.2025; hence, the instant application for the same concession.

2. Brief facts of the prosecution case, are that pursuant to the directions issued by this Court in C.P. No.D-7058 of 2018, Muhammad Javed, Senior Building Inspector, Sindh Building Control Authority, reported that Muhammad Ashraf son of Haji Muhammad Umer, owner of Plot No.7/2, GK-02, Ghulam Hussain Kassim Quarters, Kharadar, Karachi, had raised unauthorized construction comprising a mezzanine and fourth to sixth floors on the said plot by defrauding the Department, allegedly in connivance with the then posted Deputy Director, Assistant Director, Senior Building Inspector and Building Inspector of SBCA. Consequently, the subject F.I.R. was lodged.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated during investigation with mala fide intention; that there are no reasonable grounds to connect him with the alleged offence; that the F.I.R. was lodged after an unexplained delay of about five years; that his name does not appear therein and only the designations of certain SBCA officials have been mentioned; that his name was subsequently inserted by the Investigating Officer without any lawful basis merely to show progress in the investigation; that no direct or circumstantial evidence connects him with the alleged offence; that the prosecution version is fanciful and calls for further inquiry; that the applicant is a BPS-18 public servant and had neither misused the interim pre-arrest bail granted by the learned trial Court nor

failed to attend the proceedings; that the alleged offences do not fall within the prohibitory clause of Section 497, Cr.P.C.; that the co-accused whose pre-arrest bail applications were declined have subsequently been admitted to post-arrest bail; that he has undertaken to appear before the Court and cooperate with the proceedings; and that there is no likelihood of his absconding. He prayed for confirmation of interim pre-arrest bail.

4. Conversely, learned Deputy Prosecutor General opposed the application and contended that the applicant, while posted as Deputy Director of SBCA in the concerned area, was under a legal obligation to prevent unauthorized construction; that his failure to take timely action facilitated continuation of the illegal structure; that sufficient material connecting him with the alleged offence surfaced during investigation; and that no exceptional circumstance has been shown to justify the extraordinary relief of pre-arrest bail. He prayed for dismissal of the application.

5. Heard. Record perused.

6. A tentative assessment of the record reflects that the applicant was not nominated in the F.I.R., which was registered in January 2024 pursuant to the directions issued in C.P. No.D-7058 of 2018. He was also not among the officials initially identified by SBCA for registration of the case and was subsequently implicated during investigation on the allegation that, while posted as Deputy Director in the concerned area, he failed to take action against the unauthorized construction. The posting and allocation orders show that the GK area was assigned to him vide order dated 04.11.2019 and that he was transferred from Saddar Town-I on 25.11.2019; thus, his relevant tenure extended over a brief period of about three weeks.

7. The proceedings in C.P. No.D-7058 of 2018 further reflect that, prior to the aforesaid allocation, SBCA had reported on 08.03.2019 that, against the approved basement, ground and three upper floors, four additional floors had been constructed illegally. This circumstance prima facie indicates that the unauthorized construction was already in existence before the concerned area was assigned to the applicant. Whether further construction was undertaken during his brief tenure and whether he had knowledge thereof are matters requiring examination at trial.

8. The allegation against the applicant is confined to his failure to take action during the period of his posting. The record does not reflect that he granted unlawful approval, issued an order, made a recommendation or took an affirmative step facilitating the unauthorized construction. It further does not disclose that a complaint, inspection report or specific information regarding continuing construction was placed before him and deliberately

disregarded. Although the charge-sheet attributes such failure to monetary benefit, the record does not contain any recovery, financial transaction, witness account or other material supporting the allegation. Whether his failure to act was intentional and amounted to criminal misconduct, or merely constituted negligence or an administrative lapse, is a matter requiring further inquiry within the meaning of Section 497(2), Cr.P.C.

9. In view of the above facts and circumstances, the instant bail application was allowed and the interim pre-arrest bail earlier granted to the applicant vide order dated 19.11.2025 was confirmed on the same terms and conditions. These are the reasons for my short order dated 27.04.2026.

10. The observations made herein are tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

JUDGE