

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-56 of 2026

[Mst. Dordana Fareed vs. The State]

Cr. Bail Application No.S-175 of 2026

[Sarim Ali Zuberi vs. The State]

Applicants by : Mr. Mansoor Khan Rind advocate
Complainant by : Nemo
State by : Mr. Altaf Hussian Khokhar D.P.G
Date of Hearing : **20.04.2026**
Date of Decision : **20.04.2026**

ORDER

SYED FIAZ-UL-HASSAN SHAH, J:- The applicants have been booked in Crime No.387 of 2025 registered at P.S A-Section Nawabshah for offences punishable under Sections 506/2, 468, 406, 420 and 34 PPC on the charges that they have allegedly issued threats of dire consequences to complainant on account of dispute over property and committed fraud and forgery. Since these bail application have arisen out of the same crime, as such both are being decided by this common order.

2. Learned counsel for the applicants contends that admittedly there is civil dispute between the parties, but the complainant malafidely converted the same into criminal one to undue influence. He next contends that there is inordinate delay of about six days in lodgment of FIR. He further contends that allegations against the applicants are general in nature and nothing has been recovered from their possession. He lastly contends that though the names of the applicants are mentioned in FIR but they have not been assigned any specific role, therefore, the matter falls within the ambit of further inquiry as such the applicant may be enlarged on bail.

3. Despite the fact that today the matter is fixed as date-by-Court and caution was issued on the last date of hearing, yet the complainant and his

counsel chosen to remain absent without intimation; whereas learned Deputy Prosecutor General supported the impugned Order and alleged that the applicants are nominated in FIR with specific role and they have committed fraud with the complainant. He prayed for dismissal of these bail applications.

4. Arguments heard and record perused.

5. It appears that though the names of the applicants have been mentioned in FIR, however, the allegation leveled against them is general in nature. Admittedly there is a civil dispute between the parties over sale and purchase of Flat for which funds provided by complainant to accused Sarim Ali Zuberi by transferring into the account of his mother, who is also one of the accused/applicant. Neither any role has been assigned to lady accused nor alleged that she was involved in the commission of offence. As per contents of FIR, admittedly, she never dealt with or asked the complainant to transfer money. While per complainant, funds were transferred at the request of applicant/accused Sarim Ali Zuberi, but that too is yet to be ascertained at the time of trial as there is nothing with regard to the description of such Flat nor any document i.e agreement or receipt is available. In the FIR, provision of fraud and entrustment applied together, which is improper as former applies when ingredient attract that something valuable has been deprived through deceit, cheating or false misrepresentation while the later attract where ingredient exist that valuable thing voluntarily entrusted and subsequently breaching committed. Furthermore, the six days delay in registration of the FIR cannot rule out the possibility of consultation and fabrication. The applicants/accused are behind the bar since registration of FIR whereas conclusion of trial is not foreseeing in near future. Offence falls within non-prohibitory clause where grant of bail is right accused and refusal is exception.

6. In views of the above, the applicants/accused have successfully made out a case for further inquiry, as such they were admitted to bail by means of short order dated 20.04.2026 and these are the reasons thereof. Needless to mention her that the trial Court shall not influence with any finding recorded above which are tentative in nature and shall decide the case in accordance with law.

Instant bail applications stand disposed of accordingly.

JUDGE