

**IN THE HIGH COURT OF SINDH AT KARACHI**  
**Criminal Bail Application No. 2001 of 2021**

**Applicant** : Muzaffar Syed s/o Hazrat Bilal, through  
Mr. Umer Farooq Khan, advocate

**Respondent** : The State, through Mr. Faheem Hussain  
Panhwar, D.P.G.

**Date of hearing** : 08.03.2022

**Date of order** : 08.03.2022

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**ORDER**  
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**ZAFAR AHMED RAJPUT, J.** - Applicant/accused Muzaffar Syed s/o Hazrat Bilal on being unsuccessful in getting relief of pre-arrest bail, vide order dated 16.10.2021, passed by the learned IV<sup>th</sup> Additional Sessions Judge Malir, Karachi in Criminal Bail Application No. 4379 of 2021, through instant application seeks the same concession from this Court in Crime/FIR No. 549 of 2021, registered at Police Station Malir City, Karachi under section 468, 469, 470, 471, P.P.C. He was granted interim pre-arrest bail vide order, dated 25.10.2021, now the matter is fixed for confirmation or otherwise.

2. On 18.09.2021, Noor-ul-Amin Qazi, Reader in the Court of Additional Session Judge-V Malir, Karachi lodged the aforesaid F.I.R., alleging therein that, on 07.04.2020, present applicant furnished registration documents of vehicle bearing Registration No. JF-3894 in order to stand surety for accused Babar Zaman in connection with Bail Application No. 934/2020, arising out of Crime No. 526/2019 registered at P.S. Sohrab Goth, Karachi under section 489-F, P.P.C.; however, on verification from Excise & Taxation Officer/Motor Registration Authority, the same were found fake; hence, the applicant was booked in the instant case.

3. Learned counsel for the applicant contends that the applicant is innocent and has falsely been implicated in the case by the complainant with

mala fide intention and ulterior motives; that there is delay of seventeen months in lodging of F.I.R. for which no plausible explanation has been furnished by the complainant; that the alleged offence does not fall within the prohibitory clause of section 497 Cr.P.C.; hence, he is entitled for the concession of bail. In support of his contentions, learned counsel has relied upon the case of *Muhammad Ramzan alias Jani v. The State and another* (2020 SCMR 717) and *Muhammad Nawaz v. The State through Chairman NAB, Islamabad and another* (PLD 2008 SC 438).

4. On the other hand, learned D.P.G. opposes the instant application on the ground that the applicant committed fraud with the Court of law by furnishing fake documents; as such, he is not entitled for the concession of bail; hence, his application is liable to be dismissed.

5. Heard learned counsel for the parties and perused the material available on record.

6. It appears from the perusal of the record that accused Babar Zaman s/o Noor Zaman filed Cr. Bail Application No.934/2020 before the Court of Sessions Judge Malir, Karachi for seeking post-arrest bail in Crime/F.I.R. No.526/2019, registered under section 489-F, P.P.C. at Police Station Sohrab Goth, Karachi which was marked to the Court of Additional Sessions Judge-V, Malir, Karachi where the said accused was admitted to post-arrest bail, vide order dated 06.04.2020, in the sum of Rs.5,00,000/- and P.R. bond in the like amount. On 07.04.2020, the present applicant furnished surety by depositing registration papers of a vehicle bearing registration No.JF-3894, Engine No.3L-3792224, Chassis No.LH125-1002993. The registration papers of the vehicle were sent to Excise & Taxation Officer/Motor Registration Authority for verification but the office was closed due to corona pandemic.

Again, on 08.04.2020, letter was issued by the Court for verification of above mentioned vehicle, on that the Motor Registration Authority, Karachi informed the said Court that the registration papers submitted in Court were fake and that the above mentioned vehicle was in fact registered in the name of one Abid Ali s/o Gul Muhammad. On 06.09.2021, said Abid Ali appeared before the Court and informed that he had neither furnished registration papers of his vehicle before any Court in connection with surety of accused nor he had given N.O.C. or authority to anyone in this regard. The applicant is guilty of forging registration papers of the vehicle and using the same fraudulently and dishonestly as genuine knowingly the same to be forged by furnishing the same as surety documents in the Court.

7. From the tentative assessment of the evidence in hands of prosecution, I am of the view that prima-facie sufficient evidence is available against the applicant to connect him with the commission of alleged offence, carrying punishment for seven years under section 468, P.P.C., which though does not fall within the prohibitory clause of section 497, Cr. P.C., yet in such like cases, the accused cannot claim bail as a matter of right. The counsel for accused has not been able to point out any special feature of the case entitling the applicant to grant of extra-ordinary concession of pre-arrest bail. Pre-requisites for such concession i.e. malice and ulterior motive, either on the part of complainant or the police are conspicuously missing in the case. The case-law cited by the learned counsel for the applicant being on distinguishable facts does not advance the case of applicant. Accordingly, instant application is dismissed. The interim bail granted to applicant, vide order dated 25.10.2021, stands recalled.

**JUDGE**