

**ORDER SHEET**  
IN THE HIGH COURT OF SINDH AT KARACHI  
**Cr. Bail Application No. 1040 of 2021**

---

Date	Order With Signature Of Judge
------	-------------------------------

---

For hg of bail Application

**05.08.2021**

Mr. Umer Farooq Khan, advocate for applicant  
Mr. Gul Muhammad Farooqui, advocate for complainant  
Chouhdary Waseem, Asstt: Attorney General alongwith  
I.O/S.I Shoaib, FIA, Karachi

**ZULFIQAR AHMED KHAN, J** :- Through instant Criminal Bail Application, under section 497 Cr. P.C., the applicant/accused seeks bail in case Crime No.08 of 2021, registered at P.S. F.I.A. CCRC, Karachi, under sections 13, 14, 26 of PECA, 2016 read with Sections 419, 420, 34 PPC. His earlier bail application bearing No.1381 of 2021 was dismissed by the learned Sessions Judge, Malir Karachi, vide order dated 21.04.2021.

2. Briefly stated facts of the prosecution case as alleged in the F.I.R. are that on 07.04.2020 Tuesday morning 10:41 am, he received a call name Zubair on PTCL # 021-34493071, pretending him as an employee of State Bank of Pakistan and he asked the complainant about his mobile number then he called him on his mobile number from this number 0021111331331 and pretending as an authentic person from Meezan bank head office. He asked complainant about his CNIC number, username and password of his online banking. After that he received messages of financial transaction of Rs.2,49,000/-, Rs.190,000/-, Rs.115,000/-, Rs.25,000/-, Rs.25000/-, Rs.250,000/- and Rs.200,000/- consecutively and lost total Rs.12,44,000/-.

3. Learned counsel for the applicant has contended that the applicant is absolutely innocent and has falsely been implicated in

this case with malafide intention. He further contended that the impugned order passed by the learned trial Court is suffering from illegalities, irregularities and not speaking order, hence the impugned order is not sustainable at all and same is liable to be *set aside*. He further contended that the applicant is quite innocent, neither he is aware regarding the alleged amount, nor he has received any bank alert in respect of alleged amount, hence the alleged offence does not making out against the present applicant, hence the case requires further inquiry. He further contended that the complainant has not disclosed the specific role against the present applicant regarding the alleged transaction, whereas no cogent reason is given regarding the transaction of the alleged amount in the account of the present applicant and the complainant with the collusion of the FIA officials malafidely booked the applicant in this false case whereas the present applicant has nothing to do with the alleged crime directly or indirectly. He further contended that section 420 PPC is bailable whereas Section 419 PPC and sections 13, 14 and 26 of PECA are misapplied and the alleged offence does not fall within the ambit of section 497 Cr. P.C. and the applicant is not previous convict or hardened criminal and even has not been involved in any other criminal case. Lastly, the learned counsel has prayed for grant of bail.

4. Learned counsel for the complainant as well as learned Assistant Attorney General have opposed the bail application by contending that the huge amount from the complainant's account had been transferred in the bank account of the present accused. They prayed for dismissal of the instant bail Application.

5. According to the prosecution, the applicant was in active connivance with other accused resulting in defrauding the complainant and sustaining him a huge loss by impersonating themselves to be employees of the State Bank as well as other banks, but the prosecution failed to implicate any other person in this crime. It may further be noted that the present applicant has no previous criminal record. The present FIR has been registered on 22.03.2021, whereas, the disputed transactions were made on 07.04.2020, which makes case of further inquiry. I.O present affirms that they have not nominated any officer of the Bank, nor has obtained video grabs of the person who in fact encashed those cheques, nor obtained signature card of the accused to affirm that the signatures are genuine. Prosecution also failed to explain a one year's delay in lodging the present FIR. Nowhere, it has also been explained that what kind of hurdles were created in the way of complainant to lodge the FIR.

6. In view of above, case of the applicant squarely falls within the ambit of further inquiry as envisaged under subsection (2) of section 497 Cr. P.C. Hence, applicant Muhammad Ismail S/o Abdul Aziz is admitted to bail subject to him furnishing solvent surety in the sum of Rs.400,000/- (Rupees Four Hundred Thousand) and P.R. Bond in the like amount to the satisfaction of the trial Court. However, the learned trial Court is directed to conclude the trial as soon as possible.

The instant bail Application stands disposed of accordingly.

JUDGE