

## **IN THE HIGH COURT OF SINDH AT KARACHI**

### Criminal Bail Application No.325 of 2025

Applicant : Sher Wali Khan S/o Sher Muhammad  
through Mr. Nehal Khan Lashari, Advocate

Complainant : Syed Shahjehan S/o Gulbadeen  
through Mr. Rao Taj Muhammad, Advocate

Respondent : The State  
through Ms. Rubina Qadir, Addl. P.G.  
a/w SIP/I.O. Ashfaq Ahmed

Date of hearing : 11.03.2025

Date of order : 11.03.2025

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicant/accused seeks pre-arrest bail in Crime No.27/2025 for the offence under Sections 406, 420, 468, 471, 34 PPC registered at PS Jackson, after his bail plea has been declined by the learned XII-Additional Sessions Judge, West Karachi vide order dated 01.02.2025.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case; that initially the applicant was given the vehicle on rental basis but subsequently, he has purchased the same after paying all the installments; that thereafter original documents were handed over to the complainant; that the complainant with the help of police, recovered the said vehicle from the applicant and thereafter transferred the same in his name; that the applicant has not committed any offence. Lastly, he prays for confirmation of bail.

4. On the other hand, learned Addl. P.G. as well as learned counsel for the complainant has vehemently opposed for grant of bail. However, I.O. present in Court; when he was confronted as to

whether there is any documentary evidence which confirms that the applicant committed cheating and fraud with the complainant, he has failed to answer.

5. Heard the parties and perused the material available on record.

6. From perusal of record, it reflects that initially the complainant has given the vehicle to the applicant on rental basis but subsequently, after making full-payment through installment, he has transferred the vehicle in his name but thereafter, with the help of police, complainant got recovered the said vehicle and transferred the same in his name ; as such, apparently no offence has been committed by the applicant. Further, learned counsel for the applicant pleaded malafide on the part of complainant. At bail stage, only tentative assessment is to be made.

7. In view of the above, learned counsel for the applicant has made out a case for grant of bail in terms of subsection 2 of section 497 Cr.P.C. Resultantly, the instant bail application is **allowed**. The interim pre-arrest bail granted to the applicant/accused vide order dated 04.02.2024 is hereby confirmed on same terms and conditions. The Applicant is directed to attend the trial. However, it is made clear that if the applicant/accused misuses the concession of bail, learned trial Court would be at liberty to take appropriate action.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Kamran/PA