

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No.530 of 2025

Present:

Justice Zafar Ahmed Rajput

Justice Tasneem Sultana

Applicant : Faheem Soomro s/o Shamsuddin Soomro,
through M/s. Sajjad Ahmed Chandio,
and Kazim Hussain Mahesar, Advocates.

Respondent : The State, through Mr. Shah Hussain,
Assistant Attorney General (AAG), Pakistan
a/w I.O./ S.I. Waqar Ahmed, FIA, Hyderabad.

Date of hearing : 27.03.2025
Date of order : 27.03.2025

ORDER

TASNEEM SULTANA, J. Having been rejected his earlier application for grant of post-arrest bail by the Special Court (Offences in Banks) Sindh at Karachi, vide order dated 17.01.2025, passed in Case No. 42 of 2024, arisen out of FIR No. 82 of 2024, registered at Police Station FIA Crime Circle Hyderabad, under Sections 409, 419, 420, 468, 471, 477-A, 109, PPC, applicant Faheem Soomro son of Shamsuddin Soomro, through instant Criminal Bail Application has sought the same relief from this Court.

2. Brief facts of the case, as per FIR lodged on the complaint of Shah Nawaz Kolachi, Regional Head Services MCB, Larkana (the "Bank") are that the applicant, an employee of the Bank (*Employee No. 40702*) in collusion with co-accused Tanveer Ali (*Employee No. 49994*) and Muhammad Azeem (*Employee No. 50046*) activated two dormant bank accounts bearing Nos. *0088702010122996* of customer Abdul Khaliq and *0088702010044270* of customer Ghulam Muhmmad, through fabricated dormant activation requests without complying with the requisite Bank procedure and withdrew Rs. 34,00,000/- and Rs, 59,00,000/-, respectively, *total Rs. 93,00,000/-* from aforesaid accounts by issuing cheque books with fake signature and, thereby he committed the offences of criminal

breach of trust, cheating, forgery, using forged documents as genuine and falsification of accounts.

3. Learned counsel for the applicant has contended that the applicant is innocent and has been falsely implicated in this case with *mala fide* intention and ulterior motives; that Inputter ID does not belong to the applicant, therefore, the allegation of fraud against him is baseless; that at the time of account activation, the complainant was serving as Coordinator Regional Head Services (RHS) and the applicant obtained approval from RHS for activation of dormant accounts of customers, hence, the said accounts were activated after compliance of mandatory requirements and SOPs; that PW Jawad Shaikh, Branch Manager, verified and approved the same and he is the co-signatory of Account Re-activation Form, who has not been interrogated, which shows *mala fide* on the part of complainant; that the I.O. has failed to collect cogent evidence showing nexus of transaction with the applicant, therefore, matter requires further probe into his guilt, entitling the applicant for concession of bail.

4. Conversely, learned AAG supported the impugned order by maintaining that the applicant is nominated in the FIR with specific role and sufficient material is available with the prosecution to connect him with the commission of alleged offence; that the applicant has failed to make out any ground for further enquiry.

5. We have heard learned counsel for parties and perused the material available on record with their assistance.

6. It is alleged that the applicant withdrew Rs. 93,00,000/- from said two accounts of Bank's customers, however, material placed on record reflects that for withdrawal of said amount, Staff Inputter I.D does not pertain to the applicant. So far the allegations against applicant of activating of two dormant

accounts with fake activation requests and issuance of cheque book with fake signature are concerned, the same can only be determined after recording pro and contra evidence at the trial.

7. The applicant is confined in jail custody since 05.12.2024. On 19.12.2024, the I.O submitted interim charge-sheet before the Trial Court by stating that the investigation of the case had not concluded, and he sought adjournment under section 344, Cr.P.C. to conclude the investigation. He has failed to complete his investigation and submit final charge-sheet till date; as such, the applicant is confined in judicial custody without trial for the last more than four months, who cannot be detained in jail for an indefinite period without trial.

8. For the foregoing facts and reasons, the guilt of the applicant requires further inquiry as envisaged under sub-section (2) of Section 497, Cr. P.C. entitling him for grant of bail. Accordingly, instant Application is allowed by admitting the applicant to post-arrest bail, subject to his furnishing solvent surety in the sum of Rs. 45,00,000/- (Rupees Forty-Five Lacs only) and P.R. Bond in the like amount to the satisfaction of Nazir of this Court.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the Trial Court while deciding the case of the applicant on merits. In case the applicant misuses the concession of bail in any manner, the Trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law.

10. Above are the reasons of our short order dated 27.03.2025.

JUDGE

JUDGE

Faheem/PA