

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No.421 of 2025

Present:

Justice Zafar Ahmed Rajput

Justice Tasneem Sultana

Applicant : Abdul Samee s/o Muhammad Shafique
through Mr. Muhammad Jameek, Advocate

Respondent : The State, through Mr. Pir Riaz Hussain Shah
Deputy Attorney General (DAG), Pakistan
a/w Inspector Ranwal Bhutto FIA, Crime
Circle (CC), Hyderabad.

Date of hearing : **03.03.2025**

Date of order : **03.03.2025**

ORDER

ZAFAR AHMED RAJPUT, J. Applicant/accused Abdul Samee s/o Muhammad Shafique being abortive to get the relief of post-arrest bail from learned Special Court (Offences in Banks) Sindh at Karachi in Case No. 02 of 2025, vide order dated 07.02.2025, through instant Application seeks the same relief from this Court in Crime/FIR No. 01 of 2025, registered at Police Station FIA, CC Hyderabad, under sections 409, 419, 420, 467, 468, 471, 109, 34, PPC.

2. Brief facts of the case are that pursuant to Enquiry No.75/2024 of FIA CC Hyderabad, registered on the basis of complaint lodged by Rameez Hameed s/o Abdul Hameed against Mst. Yasmin Hameed, Officers/officials of Meezan Bank and others, on the allegations that Mst. Yasmin Hameed and others in collusion with officials of Meezan Bank, Tando Muhammad Khan Branch, have illegally withdrawn an amount of Rs. 20,000,000/- on 19.02.2022 with the fake signature

of account holder Abdul Hameed, who expired on 17.02.2022, and made other illegal transactions after the death of Abdul Hameed, and thereby they deprived the complainant from his legal right. During the course of enquiry, the original questioned cheque bearing No. D-02287784, dated 18.02.2022, amounting to Rs.20,000,000/- and original deposit slip, dated 19.02.2022, were collected and seized under seizure memo, dated 05.09.2024. The scrutiny of the record and above seized cheque, it was found that the above questioned cheque was produced at Meezan Bank, Latifabad Branch, Hyderabad, by accused Abdul Samee, BDO /Now Team Leader, Meezan Bank TMK Branch (*Applicant*), with his own signature as depositor on deposit slip, dated 19.02.2022, and he fraudulently transferred amount of Rs.20,000,000/- from the account of deceased Abdul Hameed into the account of Mst. Yasmin Hameed. Hence, aforesaid FIR was registered with the approval of competent authority against the accused Mst. Yasmin Hameed Wd/o Abdul Hameed and Abdul Samee.

3. Learned counsel for the applicant has contended that the applicant is innocent and has falsely been implicated in this case by the FIA with *mala fide* intention and ulterior motives; that the only allegation against the applicant is that of depositing a forged cheque and thereby facilitating the transfer of funds in the account of co-accused Mst. Yasmeen Hameed, the recipient, who has been admitted to pre-arrest bail by the trial Court vide order dated 07.02.2025; that there is no iota of evidence establishing the fact that the applicant in any manner gained any financial benefit; therefore, matter requires further probe into his guilt, entitling him for bail; that the dispute between co-accused Mst. Yasmeen Hameed and complainant Rameez Hameed is purely a family dispute regarding inheritance and applicant has no concern whatsoever with the alleged dispute; that the applicant is confined in judicial custody since 22.1.2025, FIA submitted the interim challan on 14.1.2025 and thereafter failed to submit final challan,

resultantly, the applicant is confined in judicial custody without trial. Hence, he is entitled to the concession of bail.

4. Conversely, learned DAG has opposed this Application 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. Heard, record perused.

6. It appears that, as per prosecution case, on 19.02.2022, Mst. Yasmin Hameed transferred an amount of Rs. 20,000,000/- with the fake signature of account holder/her husband Abdul Hameed, who had already expired on 17.02.2022, while allegation against the present applicant is that he with his own signature on deposit slip, deposited the said cheque in the account of Mst. Yasmin Hameed. In such scenario of the case, the real beneficiary of alleged transaction is co-accused Mst. Yasmin Hameed and the applicant is only a facilitator. Mst Yasmeen Hameed

has been admitted to pre-arrest bail by the trial Court. The case of the applicant appears to be on better footings for grant of bail. It is yet to be determined after recording pro and contra evidence at the trial if he facilitated co-accused and he did so for any personal gain.

7. Another aspect of the case is that the applicant is confined in jail custody since his date of arrest. The I.O has 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 three months, who cannot be detained in judicial custody 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. 10,00,000/- (Rupees one million only) and P.R. Bond in the like amount to the satisfaction of trial 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 03.03.2025.

JUDGE

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