

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Transfer Application No.35 of 2026

Before:

Mr. Justice Zafar Ahmed Rajput, CJ

Applicant : Sheikh Shahzad Ahmed, through
M/s. Muhammad Nasir Yaseen &
Rasheed Ashraf, Advocates.

Respondent No.1 : The State, through Mr. Ali Raza,
Assistant Prosecutor General Sindh.

Respondent No.2 : Habib Hassan, through Mr. Syed
Faisal Mehmood, Advocate

Respondent No.3 : Ramees Iqbal @ Ismail Adamjee,
(nemo)

Respondent No.4 : Mst. Samia Javaid @ Warda Wajahat,
(nemo)

Respondent No.5 : Muhammad Shabbir, through Mr.
Tariq Hussain, Advocate.

Date of hearing : 04.06.2026

Date of Order : 04.09.2026

ORDER

ZAFAR AHMED RAJPUT, CJ:- Through the instant Crl. Transfer Application, applicant/accused Sheikh Shahzad Ahmed S/o Sheikh Irshad Muhammad seeks transfer of Sessions Case No.1189/2025, from the Court of IInd Additional Sessions Judge, Karachi-Central (**“Trial Court”**) to any other Court having jurisdiction.

2. Learned counsel for the applicant has contended that the applicant operates a showroom for sale and purchase of the vehicles under the name and style of “Car & Clock”. On 03.03.2025, he purchased a vehicle Honda Civic bearing Registration No.BMW-345 from respondent No.2 (Habib Hassan) after verifying the status of the vehicle from CPLC as well as Excise & Taxation Department. Later, when he intended to transfer the vehicle in his name, he came to know through online verification that the vehicle was placed under safe custody in FIR No.170/2025, dated 22.03.2025, registered at Police Station New Karachi Industrial Area, District Central, Karachi, lodged by respondent No.5 (Muhammad Shabbir) against respondent

No.4 (Mst. Samia Javaid @ Warda Wajahat); that the applicant approached respondent No.2, who disclosed that respondent No.4 was his predecessor-in-interest who had purchased the vehicle from respondent No.5 on 03.03.2025 through forged and fake pay orders amounting to Rs.4,600,000/- for that respondent No.5 lodged the aforesaid FIR; that after investigation I.O. submitted the charge sheet, wherein the name of the applicant was placed in Column No.2; however, the Presiding Officer of the Trial Court took the cognizance against the applicant, overlooking the material facts and absence of evidence against him; that the applicant was arrested, his bail application was dismissed by the Trial Court; however, he was admitted to bail by this Court; that from the very beginning the conduct of the Presiding Officer reflected a bias and he treated him as the “real accused” in the case and he made harsh observations against him, creating a reasonable apprehension that he would not decide the matter impartially; that the Presiding Officer repeatedly asked the applicant to surrender the vehicle before the Court and in this regard he issued a show cause notice to him alleging non-cooperation on the ground of non-handing over of the vehicle, so also threatened him with cancellation of bail; therefore, considering that the right to a fair trial is being denied, the applicant has maintained the instant Crl. Transfer Application.

3. On the other hand, learned counsel for respondents No.2 and 5 as well as learned Assistant Prosecutor General Sindh have vehemently opposed the instant Crl. Transfer Application on the ground that the applicant has been implicated in the case on the basis of investigation made by the police, whereby it has transpired that he, in connivance with co-accused/respondent, committed the alleged fraud with respondent No.5/complainant; that the applicant/accused is annoyed by the judicial orders passed by the Trial Court, which cannot be a ground for filing the instant Crl. Transfer Application.

4. Heard and record perused.

5. It appears from the perusal of the record that on 22.03.2025, respondent No.5 lodged an FIR to the effect that on 01.03.2025 he entered into a sale agreement with respondent No.4 in respect of selling of his vehicle for total sale consideration of Rs.4,650,000/-. He handed over the vehicle alongwith documents on receiving pay orders

amounting to Rs.4,600,000/- to respondent No.4. The pay order was returned by the bank on being found fake. During the course of investigation the I.O. issued a letter to ETO for keeping the file of the vehicle in safe custody. Thereafter, it transpired that the vehicle was purchased by respondent No.2 from respondent No.3 (Raees Iqbal @ Ismail Adamjee, husband of respondent No.4) in the sum of Rs.3,800,000/- and then respondent No.2 sold out the vehicle to the applicant in the sum of Rs.4,350,000/-. On the basis of evidence collected by the I.O., the applicant was implicated in the charge-sheet as an accused for the alleged offence of fraud. The Presiding Officer took the cognizance against him and, vide order dated 13.08.2025, rejected his bail plea by observing as under:-

“None of the accused persons have produced any transaction proof regarding payment to each other before the I.O. rather the accused Sheikh Shahzad instead of handing over the vehicle to the I.O. to show his bonafidy, he opted to obtain stay orders from the civil Court to retain the possession of the vehicle. The exchange/sale of the vehicle between the accused persons within three days and non production of any proof of payment shows that all the accused persons i.e. accused Samia Javed (fake name Warda Wajahat), Raees Iqbal S/o Muhammad Iqbal (fake name Ismail Adamjee), Habib Hassan S/o Habib Muhammad, Zain Mustafa S/o Ghulam Mustafa, Syed Jahanzaib S/o Syed Zafar Ali are fully involved in the offence of cheating by way of preparing fake CNICs and fake pay order while having common intention to deprive the innocent peoples from their vehicle.”

6. Thereafter, the applicant preferred CrI. Bail Application No.2156/2025, which was allowed by this Court, admitting him to post-arrest bail subject to furnishing solvent surety in the sum of Rs.500,000/- and P.R. bond in the like amount vide order dated 21.10.2025. It further appears that, on 14.01.2026, the Trial Court issued a show cause notice to the applicant for failing to hand over the vehicle/case property to the I.O., who had submitted report of his non-cooperation. The applicant replied the said show cause notice disclosing that he had already instituted a Civil Suit No.No.58/2026 before the Court of Senior Civil Judge-V, Karachi Central for specific performance of contract, declaration and permanent injunction, wherein the I.O. of the case was also implicated as defendant No.5 and the Civil Court passed an interim order in his favour on 23.01.2026 directing the parties to maintain status-quo. Thereafter, on 01.04.2026 the Trial Court passed an order on the application moved by the I.O., seeking a direction against the applicant to hand over the

case property to him and the learned ADPP in his arguments sought cancellation of bail of the applicant, wherein the Trial Court has observed as under:-

“Even otherwise, the bail was granted in respect of offence under section 420 PPC, and if during investigation material has surfaced showing involvement of the accused in other offences such as sections 186 and 411 PPC, the I.O. is empowered under law to arrest the accused for those offences without seeking cancellation of bail in the present offence. It is also settled law that cancellation of bail is a harsh remedy and can only be exercised where the accused has misused concession of bail, tampered with evidence, influenced witnesses, or absconded. Mere refusal to hand over property, particularly when civil litigation is pending and status quo order is in field, cannot be treated as misuse of bail.”

7. The applicant is aggrieved by the aforesaid observation of the order passed by the Trial Court. As a whole, the said order is apparently more in favour of applicant as the Trial Court rejected the request of the ADPP for the cancellation of his bail. However, the same cannot constitute a valid ground for transfer of the subject case merely on the basis of an alleged lack of confidence in the Presiding Officer. Even if an order passed against the party is wrong, improper or in violation of law, it is not always a valid ground for transfer of a case, unless it is shown that it is a biased order.

8. It may be observed that self-procured mistrust and expression of no confidence in the Court cannot be encouraged to transfer a case from the Trial Court, particularly where no allegation of partisanship for reason of any type of adverse interest is proved.

9. The instant Crl. Transfer Application is; therefore, dismissed being devoid of any merit alongwith pending application.

CHIEF JUSTICE