

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

38/25

Present:

Mr. Justice Sardar Tariq Masood
Mr. Justice Mazhar Alam Khan Miankhel

Crl.P.L.A.No.162-K and 163-K/2024

(On appeal against the order/judgment dated 12.11.2024 passed by High Court of Sindh, Karachi in Cr. Bail Appl. No.1719 and 1573 of 2024)

Muhammad Saad Khan (in Crl.P.162-K/24)
Asif Ali Khan (in Crl.P.163-K/24)

...Petitioner(s)

VERSUS

The State through P.G Sindh

...Respondent(s)

For the Petitioners : Mr. Muhammad Farooq, ASC
Ms. Abid Parveen Channar, AOR
Mr. Aftab Hussain, Advocate High Court
a/w Petitioners
(Through Video Link Karachi)

For the Complainant : Mr. Nadeem Khan Bardi, ASC

For the State : Mr. Siraj Ali Khan Chandio, Additional Prosecutor
General Sindh.
a/w Rashid Ahmed, SI
(Through Video Link Karachi)

Date of Hearing : 22.05.2025

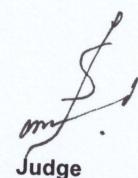
ORDER

Sardar Tariq Masood, J:- Pre-arrest bail was declined to the petitioners by the High Court through the impugned order in case FIR No.171 dated 17.05.2024 registered at Police Station Johar Abad District Central Karachi under Sections 420, 468, 471, 506 and 34 of the Pakistan Penal Code (PPC). Hence, instant petition for leave to appeal.

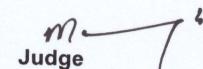
2. After hearing learned counsel for the petitioners, learned counsel for the complainant and learned Additional Prosecutor General, we observe that in order to convert the lease of the four acre plot of the maternal uncle of the complainant from 30 years to 99 years, the petitioners and their co-accused Muhammad Hassan Saleem received Rs.1,54,00,000/- from the complainant and they also provided three challans amounting Rs.38,72,000/- to the complainant which were

ultimately verified by Mukhtiar to be forged and thereafter present FIR was lodged against the petitioners. There is sufficient evidence available on record indicating that the petitioners deceived the complainant and received Rs.1,54,00,000/- from him and handed over to him forged leased documents and the challans. There is another circumstance that from the said amount a car of Rs.60,00,000/- was purchased by the petitioners' side which was also concealed and was taken into possession as a case property and there is another evidence in the shape of USB and Forensic Report which is available on record. Learned counsel for the petitioners could not point out any *mala fide* except that Muhammad Saad Khan (Petitioner in Crl.P.No.162-K/2025) was a partner of the complainant in his IT Company and when the complainant kicked out the petitioner Muhammad Saad Khan, he subsequently managed this case. The co-accused Asif Ali Khan (Petitioner in Crl.P.No.163-K/2024) claimed that he being a friend of Muhammad Saad Khan was involved in this case but the document and material available on record fully connect both the petitioners with the crime. It is a bail before arrest and the *mala fide* on the part of the complainant is to be established by the petitioners which they failed.

2. Consequently, leave is refused and these petitions are dismissed. The earlier ad-interim pre-arrest bail granted to the petitioners is hereby recalled.



Judge



Judge