

**IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD**

Crl. Bail Application No.S-841 of 2025

Applicants: 1) Syed Tarique Hussain son of Syed Musharraf Hussain, 2) Saad Salman son of Muhammad Sohail and 3) Syed Sharjeel son of Syed Ghaffar Ali through Mr. Mumtaz Alam Laghari, advocate.

For the State through FIA: Mr.Ghulam Abbas Sangi Assistant Attorney General for Pakistan along with Waqar Ahmed I.O FIA Hyderabad.

Date of hearing: 21-08-2025

Date of Order: 21-08-2025

ORDER

Jan Ali Junejo, J. – Through this order, I intend to dispose of present Criminal Bail Application filed under Section 497 of the Code of Criminal Procedure, 1898 by the above-named applicants/accused, seeking post-arrest bail in FIR No. 59 of 2024, registered at Police Station FIA Crime Circle, Hyderabad, for offences under Sections 409, 419, 420, 468, 471, 109 and 34 PPC read with Section 5(2) of the Prevention of Corruption Act, 1947. Their earlier plea for bail, preferred before the learned Special Judge (Anti-Corruption), Central, Hyderabad, was dismissed vide impugned order dated 28.07.2025, which is now under challenge through the present application.

2. The prosecution case, as set out in the FIR No. 59 of 2024 lodged by Muhammad Zohaib Sherwani, SDO Operation, HESCO Hyderabad, is that M/s Fateh Textile Mills Limited (FTML), through its management, allegedly indulged in large-scale pilferage of electricity by illegally generating and

distributing power without obtaining a lawful licence or paying requisite charges to the competent authority. It is alleged that this unlawful activity caused a loss of more than 50 to 60 million on monthly basis to the national exchequer over a considerable period. The FIR initially named only the principal accused, alleged to be the mastermind behind the entire scheme. During the course of investigation, the present applicants—Syed Tarique Hussain, Saad Salman, and Syed Sharjeel—were implicated on the allegation that they had jointly opened a bank account in Karachi through biometric verification, wherein purportedly representing payments received from sale of illegally generated electricity. The said amount is alleged to have been withdrawn by the applicants from time to time. Based on this financial trail, the Investigating Agency concluded that the applicants were active participants in the offence and nominated them in the challan submitted before the trial Court. Their earlier post-arrest bail plea was dismissed by the learned Special Judge (Anti-Corruption), Central, Hyderabad, vide order dated 28.07.2025.

3. Learned counsel for the applicants argued that the applicants were not named in the FIR, and their implication surfaced only during the investigation, which raises doubts about their alleged involvement. It was contended that the case is primarily documentary in nature, with all relevant evidence, including bank statements, already secured by the prosecution, leaving no likelihood of tampering. Counsel further submitted that the principal accused and other co-accused have already been granted bail by this Court, and therefore, the applicants are entitled to the same treatment under the principle of consistency. It was also argued that Sections 409 PPC and 5(2) PCA, which pertain to offences by public servants, are *prima facie* inapplicable to the applicants who are private persons. Counsel emphasised

that the case calls for further inquiry under Section 497(2) Cr.P.C., and that the applicants are respectable citizens with no previous criminal record or likelihood of absconding. Lastly, the learned counsel prayed for grant of bail.

4. Conversely, the learned Assistant Attorney General for Pakistan, assisted by the Investigating Officer, opposed the bail plea, contending that a direct financial trail of Rs. 450 million was traced to the applicants, indicating their active and deliberate participation in the offence. It was submitted that the applicants were not merely facilitators but beneficiaries of the crime, which caused colossal loss to the national exchequer. The learned AAG maintained that economic offences of such magnitude undermine public trust and have serious repercussions for the economy, therefore requiring a strict approach. It was further contended that the principle of consistency does not apply as the role of the applicants is distinguishable from that of the co-accused who were granted bail. Lastly, the learned AAG prayed for dismissal of bail.

5. I have carefully considered the submissions advanced by learned counsel for the applicants as well as the learned Assistant Attorney General for the State/FIA and have undertaken a tentative appraisal of the material available on record, as is permissible at the bail stage. A perusal of the record reveals that the applicants were not named in the FIR; their implication surfaced only during the course of investigation, which, though explained by the prosecution, prima facie necessitates a cautious judicial approach and calls for further inquiry into the veracity of their alleged linkage with the disputed bank account. It is further observed that the principal accused, who has been described as the mastermind and director of M/s Fateh Textile Mills Limited, has already been admitted to bail by this Court. While the prosecution has attempted to distinguish the role of the present applicants on the basis of alleged financial benefit, the gravity of the offence and the documentary

nature of the evidence remain common to all accused. Therefore, tentatively, the principle of consistency weighs in favour of the applicants. Moreover, a legal question arises regarding the applicability of Section 409 PPC and Section 5(2) of the Prevention of Corruption Act, 1947, which are primarily directed at public servants, whereas the applicants are admittedly private persons. Such legal question is to be determined at the trial stage and creates further room for inquiry within the contemplation of Section 497(2) Cr.P.C. Additionally, the evidence relied upon by the prosecution is primarily documentary and digital in nature and is already in its possession; thus, the possibility of its tampering stands considerably reduced. No material has been placed on record to suggest that the applicants are previous convicts, habitual offenders, or likely to abscond if released on bail. In these circumstances, their continued pre-trial incarceration would serve no useful purpose and cannot be justified. Consequently, for the reasons recorded above, this Court is of the tentative view that the case of the applicants attracts further inquiry within the contemplation of Section 497(2) Cr.P.C., thereby entitling them to the concession of bail at this stage. Reliance is placed on the dictum laid down by the Honourable Supreme Court of Pakistan in the case of ***Jabran and another v. The State through Director General FIA and others (2025 SCMR 1099)***, wherein it was observed that: *“All other properties of the petitioner mentioned in the impugned order are not part of FIR No.02/2024 and are declared in the appended tax returns of the petitioner, which give rise to the presumption that the same have been legally acquired through declared sources. Whether these properties are actually connected to any illegal activity will ultimately be determined by the Trial Court. Furthermore, the prosecution case is based upon documentary evidence only which is already available with FIA authorities and there is no apprehension of tampering with the same if the petitioner is admitted to bail”*.

6. For the reasons delineated hereinabove, present Criminal Bail Application was allowed. Accordingly, the applicants Syed Tarique Hussain S/o. Syed Musharraf Hussain, Saad Salman S/o. Muhammad Sohail, and Syed Sharjeel S/o. Syed Ghaffar Ali were admitted to post-arrest bail, subject to their furnishing solvent surety in the sum of Rs. 500,000/- (Rupees Five Hundred Thousand only) each and P.R. bond in the like amount to the satisfaction of the learned trial Court and these are the reasons of my short Order dated 21.08.2025.

7. The observations made herein are purely tentative and shall not prejudice the learned trial Court in deciding the case on merits, which shall proceed strictly on the basis of evidence brought before it.

JUDGE