

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

Criminal Bail Application No.S-1161 of 2025

Applicant : Muhammad Rehman son of
Muhammad Wazir through Mr.
Hameedullah Dahri, Advocate

Complainant : Syed Ahsin Ali son of Syed Siddique
Ali, present in person

The State : Through Ms. Sana Memon, Assistant
Prosecutor General, Sindh along with
Inspector-Khalid Mehmood, C.O ACE,
Hyderabad

Date of hearing : 03.10.2025

Date of Order : 03.10.2025

ORDER

Jan Ali Junejo, J.- Through this bail application under Section 497 Cr.P.C., the applicant Muhammad Rehman S/o. Muhammad Wazir seeks post-arrest bail in Crime No.04 of 2025 registered at Anti-Corruption Establishment (ACE) Police Station, Hyderabad, for the offences under Sections 161, 420, 467, 468, 471, 34 PPC read with Section 5(2) of the Prevention of Corruption Act, 1947. The applicant was earlier denied bail by the learned Special Judge, Anti-Corruption (Provincial), Hyderabad, vide order dated 13.09.2025, hence this application has been filed before this Court.

2. The FIR was lodged on the complaint of Syed Ahsan Ali, alleging that he was deceived by the applicant and others on the pretext of providing a government job in the Excise & Taxation Department, Karachi, for a sum of Rs.500,000/-. It is alleged that during a trap arranged by the Anti-Corruption Establishment on 19-08-2025, the applicant, who is serving as a Junior Clerk in the Local Government Department, was apprehended from a hotel in Hyderabad and a bogus appointment order No.1816 dated 18-08-2025 purportedly issued in favour of the complainant was recovered from his possession.

3. The learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated due to malice and ulterior motives. He argues that the FIR was lodged subsequent to the alleged arrest of the applicant, which casts serious doubt upon the authenticity and legality of the entire proceedings. He further submits that no bribe money or any other incriminating material was recovered from the applicant, nor is there any independent corroboration of the complainant's

version. He argues that the raid was conducted without the presence of a Magistrate, and such procedural lapses render the prosecution case highly doubtful. He further contends that the applicant, being a Junior Clerk in the Local Government Department, has no authority or connection with the recruitment process of the Excise Department. He maintains that the offences under Sections 420 and 34 PPC are bailable, and even the remaining offences, though non-bailable, do not fall within the prohibitory clause of Section 497(1) Cr.P.C. He further submits that the co-accused Ghulam Sarwar has already been granted bail by the learned trial Court, and therefore, the rule of consistency is attracted. He also points out that the complainant himself has filed an affidavit of no objection to the grant of bail. Lastly, he argues that the applicant has remained in custody since his arrest, the investigation has been completed, and he is no longer required for further inquiry; hence, he prays for grant of bail.

4. Conversely, the learned A.P.G., assisted by the Investigating Officer, opposes the grant of bail. She argues that the applicant was apprehended red-handed on the pointation of the complainant and that a bogus appointment order was recovered from his possession. She contends that the alleged offences involve corruption and forgery, which are serious in nature and strike at the integrity of public service. She further submits that Section 467 PPC carries punishment extending to imprisonment for life and thus falls within the prohibitory clause of Section 497(1) Cr.P.C. However, she fairly concedes that the complainant has filed an affidavit of no objection to the grant of bail and that no bribe amount was recovered from the applicant.

5. The Complainant Syed Ahsan Ali appeared before this Court in person and files affidavit of no objection, which is taken on record.

6. I have carefully considered the submissions advanced by the learned counsel for the respective parties and examined the material available on record with due circumspection, as permissible at the bail stage, and with their able assistance. The tentative assessment of the record reveals that the FIR was lodged subsequent to the alleged arrest of the applicant, which prima facie casts serious doubt upon the fairness, transparency, and legality of the entire proceedings. The prosecution record does not indicate any recovery of bribe money or other incriminating material from the applicant, except for the alleged "bogus appointment order," the genuineness of which requires forensic verification and cannot, at this preliminary stage, be treated as conclusive evidence against the applicant. The complainant's affidavit of no objection to the grant of bail, placed on record, further erodes the foundation of the

prosecution case. It also merits consideration that the applicant is a Junior Clerk serving in the Local Government Department, and nothing has been brought on record to establish that he had any role, authority, or administrative control over recruitment matters pertaining to the Excise & Taxation Department. The investigation has been completed, the challan has been submitted before the competent court, and the applicant's further custody is, therefore, not required for investigative purposes. Significantly, there are no allegations that the applicant has attempted to tamper with the prosecution evidence or influence any witness. It is well settled that at the bail stage, the Court is not to enter into a deeper appreciation of evidence; rather, it is to make a tentative assessment to determine whether the case calls for further inquiry within the contemplation of Section 497(2) Cr.P.C., and this case appears to require further inquiry; therefore, bail should ordinarily be granted as a matter of right. The rule of consistency is also attracted in the present case, as the co-accused has already been enlarged on bail by the learned trial court. Furthermore, the settled principle that "*bail is a rule and refusal is an exception,*" as reiterated by the Honourable Supreme Court in ***Muhammad Tanveer v. The State (PLD 2017 SC 733)***, squarely applies to the facts and circumstances of the present case.

7. Considering the above facts, the lack of recovery, the complainant's no-objection affidavit, the doubtful circumstances of the raid and arrest, the non-applicability of the prohibitory clause, and the case calling for further inquiry, the applicant has successfully made out a case for grant of post-arrest bail within the meaning of Section 497(2) Cr.P.C.

8. For the reasons delineated hereinabove, the Criminal Bail Application No. S-1161 of 2025 is allowed. The applicant Muhammad Rehman S/o. Muhammad Wazir is admitted to post-arrest bail in Crime No.04 of 2025 under Sections 161, 420, 467, 468, 471, 34 PPC read with Section 5(2) of the Prevention of Corruption Act-II of 1947, registered at P.S. ACE Hyderabad, subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand Only) and P.R. bond in the like amount to the satisfaction of the learned trial court.

9. It is, however, clarified that the observations made herein are tentative in nature, confined to the disposal of the instant applications, and shall not prejudice the case of either party during trial, which shall be decided strictly on its own merits. These are the reasons of the Short Order dated: 03-10-2025.

JUDGE