

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.788 of 2020

Date	Order with signature of Judge
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Daniyal FayyazApplicant

Versus

The State.....Respondent

1. For orders on office objection
2. For hearing of bail application

29.06.2020

Mr. Muhammad Arif, advocate for Applicant
Mr. Muhammad Ahmed, Assistant Attorney General

ORDER

Applicant is seeking post arrest bail in a case bearing Crime No.25/2019, U/s 409, 420, 468, 467, 477-A, 109, 34 PPC, registered at Police Station F.I.A. (CBC), Karachi.

2. Complainant Shakir Sabir, Manager, Operations Dubai Islamic Bank Ltd. (DIBL) Auto Plaza Branch, Karachi, has registered an FIR alleging embezzlement against applicant namely Danial Fayaz and co-accused Asad Shahid Ali (since dead) in the amount deposited by the customers on account of utility bills, payment of cash, etc. at the booth operated by DIBL at Star City Mall Saddar, Mobile Market, Karachi, where they both were posted. Of the cash vault of the booth, there were 02 keys, one allotted to applicant and the other to deceased accused. During enquiry shortage of cash of Rs.28.569 million was traced. In subsequent investigation relevant documentary evidence reflecting receiving of amounts from customers and issuing deposit slips against which duly signed and stamped by the applicant and deceased accused were collected. It was also found that applicant and co-accused instead of depositing money in terms of the slips would pocket the same. Relevant oral and documentary evidence showing applicant leading a luxurious life, renting cars, living in hotel rooms against which paying amount of Rs.1,450,000/- and Rs.1,324,376/- respectively has also been collected, which *prima facie* connects him with the commission of alleged offence.

3. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that entire alleged fraud was committed by deceased accused and there is no evidence against the

applicant; that the case requires further enquiry in that the co-accused was the wholly solly incharge of booth and both keys were in his custody and as such no case is made out against the applicant. These arguments have been strongly rebutted by learned Assistant Attorney General.

4. In view of *prima facie* oral as well as documentary evidence against the applicant discussed in paragraph No.2, we are of a tentative view that applicant at this stage is not entitled to grant of bail. Accordingly, this application is dismissed. However, the trial court is directed to examine the material witnesses without fail within a period of 03 months. In any case, after such period, the applicant would be at liberty to move a fresh bail application before the trial Court, which if filed, shall be decided on its own merits.

5. Bail application stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

Judge Judge

Rafiq P.A