

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Application No.S-1401 of 2024.

Nasarullah Halepoto v. The State

Applicant : Nasarullah Halepoto through Syed Tariq Ahmed Shah, Advocate.

Respondent : The State through Ms. Sana Memon, A.P.G & Mr. Muhammad Akram Rajput, Advocate for complainant.

Date of hearing : 10.03.2025.

Date of Decision : 10.03.2025.

ORDER

Miran Muhammad Shah, J:- Through instant Bail Application, the applicant/accused namely, Nasarullah Halepoto s/o Abdullah Halepoto seeks post arrest bail in Crime No.07/2024, registered at Police Station ACE Matari for the offence U/s 161 R/w 5 (2) Act-II of 1947. Earlier bail plea of the applicant/accused was declined by the learned Special Judge Anti-Corruption (Provincial) Hyderabad vide order dated 27.11.2024.

2. The facts of the case are mentioned in the Bail Application and the copy of F.I.R. is also attached with the Bail Application, hence, needs not to reproduce the same here.

3. The learned counsel for the applicant/accused argued that the applicant/accused is innocent and has not committed an offence as alleged in the FIR, the allegations are false, fabricated & concocted; that there are no reasonable grounds to believe that the applicant/accused is guilty. He has further argued that the applicant/accused is the victim of conspiracy made by his one senior official on account of personal grudge by setting up the story; that the allegations leveled in the FIR from its face does not appeal to a prudent mind and do not attract; that the applicant/accused is being blackmailed by the news reporter, who has even no concern with the alleged story cooked; that the complainant is cameraman in one news channel by profession, but no video was prepared if the raid was conducted and nor it was bothered to flash in electronic media, which prima facie makes the case of applicant/accused one of further inquiry. Lastly, prayed that applicant/accused may be admitted to bail as the case of applicant/accused is one of further inquiry.

4. On the other hand, learned A.P.G for the State as well as learned counsel for the complainant vehemently opposed the bail application of applicant/accused and argued that the applicant/accused is nominated in the FIR with specific role; that the applicant/accused is involved in illegal bribery, which is menace for society; that the applicant/accused was arrested with red-handed while accepting the illegal bribe for releasing one Jawaid; that the innocent people are being victimized and their hard earned money is being looted as a bribe. Lastly, prayed that applicant/accused is not entitled for concession of bail and his bail application may be dismissed.

5. Heard & perused.

6. After hearing all the parties concerned, a tentative assessment of the record reflects that complainant of this FIR is a news channel reporter of a well-known national news channel. The allegations that have come on record are that the news reporter is holding a deal with the Police Officer, which does not transpire to be a true story on the face of it. The blackmailing of the press reporter of a highly visualized news channels cannot be ruled out in this matter, who in fact is stated to be dealing this on behalf of some other person, who it seems is not related to the reporter, then on, the reporter proceeds to make a deal with the Inspector of Police, who is also happens to be the SHO of the Police Station of new Saeedabad. This seems more of a case, wherein the Inspector has been framed through blackmailing. The subject matter/FIR is not attracting the prudent mind as consistent dealing/bribe is being made in installments and then till the arrest of the applicant/accused the offence of bribe continues. The cameraman, who seems to be also the correspondence has no evidence at hand including a video footage which is usually available with press correspondence. The role of the raiding party is also seems doubtful. The recovery shown to have been made is also in violation of Section 103 Cr.P.C. In such circumstances, the whole story of the prosecution side looks shady and doubtful, hence I am of the opinion that the learned trial court had erred in rejecting the bail application of applicant/accused on the ground that only tentative assessment is to be made and deeper appreciation at bail stage is not allowed, however, these both principles are more appropriate to be applied while granting bail rather than rejecting bail. It is also noted that the applicant/accused has been charged in this case under section 161/34, P.P.C read with section 5(2) Act-II-1947. Though these offences are not bailable but their punishment is also do not fall within the prohibitory clause of section 497, Cr.P.C. Therefore, grant of bail in such circumstances is a rule as held by the Hon'ble Supreme Court of Pakistan in its various pronouncements and its refusal an exception. No exceptional circumstances appear in this case to withhold the bail of the applicant/accused. The applicant is a Government servant therefore, there is no likelihood of his abscondence. Even otherwise on merits, as stated above applicant/accused has made out a case for bail. The case has already been challaned

before the Special Anti-Corruption Court (Provincial), Hyderabad and is not likely to conclude in the near future since Anti-Corruption matters take a long time to conclude in the trial. In such circumstances, the instant Criminal Bail Application is **allowed** and applicant/accused is admitted to bail subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) and P.R Bond in the like amount to the satisfaction of learned trial Court.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Ali.