

ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Crl. Bail Appln. No. S- 95 of 2019.

Date of hearing	Order with signature of Judge
15.03.2019.	

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

Mr. Mumtaz Ali Panhwar, Advocate for applicant.
Mr. Sharafuddin Kanhar, A.P.G.

Muhammad Saleem Jessar, J: Through this application, applicant Bashir Ahmed Panhwar has prayed for grant of post arrest bail to him, in Crime No.02/2019, registered at A.C.E Police Station, Larkana, for offences punishable under Sections 161, 467, 468, 471 and 34 P.P.C read with Section 5 (2) of the Prevention of Corruption Act-II of 1947.

It is alleged that applicant and *co-accused* Ali Nawaz Junejo (*Tapedar*), while taking bribe from private person i.e. *co-accused* Nizamuddin Bhatti have changed an area of 87120 *square feet* from survey No.838 in favor of said *co-accused* Nizamuddin by making forgery in revenue record.

It appears that, F.I.R is delayed for many years. It further appears that applicant is serving as "*Kotar*" in the revenue department, as such prima-facie, he being "*Kotar*" has no authority to change or mutate any "*Khata*", as he is not custodian of the revenue record. The challan of the case has already been filed and applicant is no more required to police for the purpose of investigation. The case of prosecution mostly depends upon documentary evidence, which is in possession of the prosecution and challan has already been submitted, as such there is no possibility of applicant to tamper with prosecution evidence, which is entirely documentary in nature and in possession of the prosecution. It is well settled principle of law that bail is not to be withheld as a punishment and that there is no legal or moral compulsion to keep people in jail merely on

the allegation that they have committed offences punishable with death or transportation, unless reasonable grounds appear to exist to disclose their involvement.

In view of above position and dictum laid down in case *Saeed Ahmed v. The State* (1996 SCMR 1132), the instant bail application stands allowed. Consequently, applicant Bashir Ahmed Panhwar is granted post arrest bail upon his furnishing solvent surety in the sum of Rs.50,000/- (Fifty thousand rupees) and P.R bond in the like amount to the satisfaction of trial Court.

However, it is made clear these are tentative observations and would not influence the trial Court while deciding the case on its merits.

JUDGE

ANSRI/