

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No. 1693 of 2016

Order with signature of Judge

Present

Mr. Justice Muhammad Ali Mazhar.

ZahooruddinVersus.....The State

Date of hearing 05.12.2016

Rana Muhammad Iftikhar, Advocate for the applicant.

Sh. Liaqat Hussain, Standing Counsel.

Inspector Sajjad Khan, I.O of the case.

Mohammad Ali Mazhar J. The applicant has applied for post arrest bail in crime No.11/2013, lodged under Sections 409/420/468/471/109 PPC r/w section 5(2) of Prevention of Corruption Act, 1947 and Section 3/4 of Anti Money Laundering Act, 2010, at P.S F.I.A Crime Circle, Karachi.

2. The brief facts of the case as narrated in the FIR are that the Government of Pakistan introduced a policy for claiming freight subsidy and through a public notice informed the procedure for claiming said subsidy on submission of required documents with pre-audit procedure. The applicant is a proprietor of M/s. Zahooruddin & Co. who submitted forged documents to get benefit of freight subsidy. In the charge sheet, the money trail has been described in paragraph 13 while in paragraph 29 of the charge sheet it was discovered to the

I.O during investigation that a sum of Rs. 10,480,500/- was landed in the account of applicant which was subsequently transferred in the personal account of Muhammad Rafi, proprietor of M/s. Vision Match Trading. A chart has been displayed to show the quantum of the amount transferred from the bank account of the applicant to the account of Muhammad Rafi, proprietor of M/s. Vision Match Trading and Mollasses Traders.

3. Learned counsel for the applicant argued that applicant is a poor vegetable merchant, he is also an illiterate man and due to connivance of the other accused persons, he was trapped and on their request, he opened different bank accounts where the co-accused persons landed their amount and, thereafter, the entire amount was transferred to them. As a matter of fact, neither the applicant has gained anything nor he is beneficiary of the alleged scam or amount. He further argued that role of the applicant in the present scenario is of further inquiry. Since May, 2016 the applicant is behind the bar. He further submits that father of the applicant has expired during his custody and now he is only bread earner of the entire family.

4. Inspector Sajjad Khan, Investigating Officer after going through the record has confirmed that the applicant is not found beneficiary of any amount. He further confirms that in the same FIR at least eight (08) accused are already on bail including Muhammad Rafi and Farhan Rasheed who are the beneficiaries of the amount deposited in the account of the applicant. Learned Standing Counsel and I.O. both have given their no objection if the bail is granted to the applicant against some solvent surety.

5. I have seen the relevant documents produced before me and since the main accused are already on bail and it is an admitted fact that the applicant has not been benefited with any amount. In my view, the allegations against the present applicant require further inquiry to prove his guilt and his role that under what circumstances he opened the bank account due to which amount was transferred to the accused persons. The element of mens rea is also to be seen which is only possible at trial.

6. As a result of above discussion, the applicant is granted bail in crime No.11 of 2013 lodged at P.S. F.I.A., Crime Circle, Karachi subject to furnishing solvent surety in the sum of Rs.300,000/- (rupees three lac) with P.R. bond in the like amount to the satisfaction of learned trial court. The bail application is disposed of.

JUDGE

Aadil Arab