

ORDER SHEET  
**IN THE HIGH COURT OF SINDH,**  
 CIRCUIT COURT, HYDERABAD.

Cr. Bail Application No.S-71 of 2016.

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
<u>07.09.2017.</u>	<p style="text-align: center;">For hearing.</p> <p style="text-align: center;">Applicant Muhammad Qasim is present in person.            Mr. Shahid Ahmed Shaikh, D.P.G for the State.            None present for the complainant.</p> <p style="text-align: center;">===</p> <p><u><i>ABDUL MAALIK GADDI,J-</i></u> Applicant/accused is on interim pre-arrest bail granted to him by this Court vide order dated 29.1.2016. Today this bail application is fixed for confirmation or otherwise.</p> <p>2. The facts of the case need not to be re-iterated here, as the same are mentioned in the memo of bail application as well as in the impugned order passed by trial Court.</p> <p>3. It is contended by the applicant that he is innocent and has been falsely implicated in this case, as there is no specific role is attributed to him in the F.I.R. He further contends that co-accused against whom, similar allegations have been leveled by the prosecution, have been granted bail by this Court as well as trial Court.</p> <p>4. Learned D.P.G. for the State has opposed this bail application on the ground that applicant is nominated in the F.I.R. with specific role of allegation.</p> <p>5. I have given my anxious thoughts to the contention raised at the bar and have gone through police papers so available before me.</p> <p>6. It appears from the record that the alleged incident took place during the year 1986 and onwards, but the F.I.R. has been registered on 22.5.2010 after the delay of about 24 years, for which no satisfactory explanation has been furnished by the prosecution, therefore, on this ground alone false implication of the applicant/accused cannot be ruled out. It also appears</p>

from the record that interim challan has already been submitted before the trial Court and he is no more required for further investigation in this case and applicant is regularly attending the trial Court and there is nothing available on record that he misused the concession of bail. It is matter of record that whole case of the prosecution is based upon the documentary evidence, as the challan has already been submitted before the Court, therefore, it not possible for the applicant/accused to tamper with the record. All sections applied in the F.I.R, though not bailable, but punishment of said sections do not fall within prohibitory clause of section 497, Cr.P.C, except section 5(2) Prevention of Corruption Act, 1947, as such, it is yet to be determined at the time of trial whether the applicant/accused is actually involved in the case of forgery/malpractice or otherwise. It also appears from the record that co-accused almost on similar allegations have been granted bail by this Court as well as trial Court and the case of applicant also appears on the same facts and circumstances, therefore, the applicant is also entitled for the same treatment at this stage.

7. In view of above facts and circumstances, I am of the opinion that the applicant has made out a case for confirmation of bail. I, accordingly confirm the interim bail order already extended in favour of the present applicant on the same terms and conditions with direction to the applicant to appear before the trial Court and face the trial.

8. Needless to mention here that the observations made herein above are tentative in nature and shall not affect the merits of the case.

The bail application stands disposed of in the above terms.

JUDGE.