

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
**Criminal Miscellaneous Application No.49 of 2019**

Date	Order with signature of Judge
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***Present: Mr. Justice Nazar Akbar***

Applicant : Mrs. Zesshan Zia Raja,  
Through Mr. Zubair Ahmed Rajput, advocate

**Versus**

Respondent No.1 : Shakeel Ahmed Abbasi.

Respondent No.2 : The State.

Date of hearing : **07.02.2019**

Date of decision : **07.02.2019**

**ORDER**

**NAZAR AKBAR, J.** Through this Criminal Miscellaneous Application the applicant has challenged the order dated **12.01.2019** passed by the learned Special Judge (Central)-II, Karachi, on Criminal pre-arrest bail application filed in case No.02/2018, whereby the interim pre-arrest bail earlier granted to Respondent No.1 in Crime/FIR No.2/2018 under Sections 420, 468, 471 R/W Section 66/66-A, Copyright Ordinance, 1962 R/W Section 5(2), PCA Act-II, 1947 registered at P.S FIA Corporate Crime Circle, Karachi, was confirmed.

2. Precisely the facts of the case are that applicant/ complainant, owner of American Lycetuff Junior & Upper School has filed written complaint to the Director General FIA Islamabad wherein she has stated that she is an educational and exclusively established American Lycetuff School in the year 1999 from and own earned sources, developed goodwill of her brand name opened many

branches of school was exclusive originator, developer and owner of label/mark/logo “American Lycetuff Junior & Upper School” registered vide Certificate of Registration of Copyright No.135-15-Cor dated 04.08.2004 with independent legal entity incorporated in 2005 with 50% shareholding by spouses which owns one property 10 km Raiwind Road Lahore. It was averred that M/s. American Lycetuff Pvt. Ltd. has no concern with the “American Lycetuff Junior & Upper School System” which is sole proprietorship of the applicant. It was further averred that her Ex-husband Nadeem Kiyani was a civil servant who exploited fiduciary relationship to grab her assets and he managed to file trade mark application No.259666 through TM-48 which bears fake signatures of the applicant/complainant which was filed on the basis of TM-48 without resolution of the company and signature of authorized person of the company including the CEO. It was averred that the application No.259666 for registration of trade mark American Lycetuff Junior & Upper School for M/s. American Lycetuff Pvt. Ltd was filed with malafide intention. Therefore, on the basis of such complaint FIR No.02/2018 was registered. During the course of enquiry conducted by Director, FIA Cybercrime, Islamabad and evidences collected, it has been established that accused person namely Nazir Ahmed Patoli, Ex-Registrar and other concerned officers/ officials of IPO, Karachi have misused their official position being public servants with accomplices Nadeem Kiyani and Rana Zaheer, Stamp Vendor and caused wrongful loss to the applicant for commission of crime in violation of Copyright Ordinance, 1962 by preparing fake and forged documents for the purpose of cheating a rightful owner and using the same as genuine committed offence under Sections mentioned in the FIR and case was registered against officers/officials of IPO, Karachi. During investigation, co-accused

Nazir Ahmed Patoli has admitted his signature on the note sheet of copyright office through which fake/forged documents were processed and he further stated that he issued the certificate on the direction of the then Copyright Registrar Shakil Ahmed Abbasi, (Respondent No.1 herein), therefore, Respondent No.1 was also involved in the case.

3. The learned trial Court firstly granted interim pre-arrest bail to Respondent No.1 and subsequently his interim pre-arrest bail was confirmed by order dated **12.01.2019**. The applicant/complaint has preferred instant Criminal Miscellaneous Application for cancellation of bail.

4. Learned counsel for the applicant is unable to point out any ground for recalling order granting bail. Learned counsel has not advanced even ground for seeking cancellation of bail. He has attacked the bail granting order as he is addressing an appellate Court to set aside impugned order.

5. I have perused the record available in the Court file. The contents of FIR show that the name of Respondent No.1/accused does not appear in the FIR except designation as Ex-Registrar. No specific role has been attributed to Respondent No.1 in commission of the alleged offence except that one of the accused during investigation has involved Respondent No.1. The bail cannot be recalled/ cancelled merely on the basis of statement of co-accused against the accused during the course of investigation and it is yet to be determined at trial as to whether Respondent No.1 has played any active role in issuing of duplicate certificate in favour of M/s. American Lycetuff (Pvt.) Ltd, willfully, therefore, bail granted by the

trial Court cannot be cancelled. There is no allegation of misuse of bail by Respondent No.1

6. In view of the above, instant Criminal Miscellaneous Application was dismissed in limine alongwith pending applications by short order dated **07.02.2019** and these are the reasons for the same.

JUDGE

*Karachi*  
*Dated:08.02.2019*

*Ayaz Gul*