

**ORDER SHEET**  
**HIGH COURT OF SINDH, KARACHI**

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**Cr. Bail Appln No.1268 of 2013**

Date	Order with signature of Judge
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**Present**

**Mr. Justice Muhammad Ali Mazhar.**

Faisal Rehan.....vs.....State

**03.06.2019**

Applicant is present a/w his counsel Khawaja Saiful Islam, Advocate.

Mr. M. Zahid Khan, Assistant Attorney General.

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**Muhammad Ali Mazhar, J:** The applicant was granted interim bail by this court on 08.10.2013 in Crime No.35/2013 lodged under Sections 409/420/468/471/109 PPC r/w Section 5(2) of Prevention of Corruption Act-II, 1947 at P.S. FIA, Crime Circle, Karachi. The learned counsel pointed out FIR which is available at page 19 in which the allegations against the applicant is that he is proprietor of M/s. N.F. International who managed fake export documents and in connivance and in collusion and in abetment of accused Mirchoomal Khatri, Project Officer Freight Subsidy TDAP, accused Javed Anwar Khan, the then Director General (Facilitation Division)/Secretary TDAP, accused Abdul Karim Daudpota, the then Director General TDAP, accused Tariq Iqbal Puri, the then Chief Executive TDAP, accused auditors Adnan Zaman, Asim Rizwani, Younus Rizwani and Najmul Haq, AVP Manager Foreign Exchange NBP succeeded in getting huge amount against subsidy claims supported by fake/fictitious/bogus export documents. The learned counsel submitted the copy of interim charge sheet and submits that the similar allegations are mentioned in the interim charge sheet which was treated as final charge sheet against the accused persons on 25.05.2015. He further argued that the

charge has been framed in this case and according to him no evidence has been recorded so far by the trial court. He further submits that the allegations against the present applicant requires further inquiry especially when the other accused persons in whose alleged collusion and connivance the applicant has committed the offence are already on bail and keeping in view the rule of consistency he requests for the same treatment for this applicant.

2. The learned Assistant Attorney General has no objection and according to him the other accused persons are already on bail, therefore, keeping in view the rule of consistency and case of further inquiry, he has no objection if bail is confirmed.

3. Heard the arguments. The allegations by themselves would not constitute bar for the grant of bail in peculiar circumstances of the case. It has time and again been held that the further inquiry is a question which must have some nexus with the result of the case for which a tentative assessment of the material on record is to be considered for reaching just conclusion. The case of further inquiry presupposes the tentative assessment which may create doubt with respect to the involvement of accused in the crime. Whenever, reasonable doubt would arise with regard to the participation of an accused in the crime, or about the truth or probability of the prosecution case, and the evidence proposed to be produced in support of the charge, accused should not be deprived of benefit of bail.

4. In view of the above, the bail of the applicant is confirmed on the same terms. The bail application is disposed of accordingly.

**Judge**