

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

Cr. B.A. No. 76 of 2014

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Jahanzaib SiddiquiVersus.....State

Date of hearing 03.06.2019

Applicant is present a/w his counsel Mr. Khaleeq Ahmed advocate.

Mr. M. Zahid Khan, Assistant Attorney General.

Muhammad Ali Mazhar, J: The applicant was granted interim bail by learned Single Judge on 24.01.2014 on the ground that co-accused Abdul Kabir Kazi has been granted interim bail in Cr.B.A. No. 1555/2013 subject to furnishing solvent surety in the sum of Rs. One lac.

2. Learned counsel for the applicant argued that applicant is a banker by profession and he was involved falsely in this case by the FIA. He further argued that no incriminating material has been collected so far against the applicant. There is no reasonable ground for believing that he is involved in any offence. Learned counsel further argued that the name of the applicant was not mentioned in the FIR or interim challan, however, he has been implicated in the final challan submitted in FIR No. 54/2013. In paragraph No.21 of the final challan the allegation against the present applicant is that he being Relationship Manager of Burj Bank, Korangi

Industrial Area Karachi after visiting the business address as mentioned in all the three account opening forms opened in the name & style of M/s LBA International, M/s. Jubilee Enterprises and Taj Impex and submitted customer visit report in the bank attached with account opening forms. In the concluding paragraph of the challan it is stated that sufficient documentary as well as oral evidence, collected during the course of investigation which clearly established that approver Muhammad Fidous had managed the fake and forged claim documents in respect of above fake and fictitious forms and in active connivance of accused Muhammad Tahir Gujjar, accused Abdul Karim Daudpota, accused Abdul Kabir Kazi and accused Abid Javed Akbar succeeded to get 06 government cheques on account of freight subsidy and deposited in 06 fake and fictitious accounts got opened at JS Bank Dhoraji and Burj Bank Korangi Industrial Area Branch Karachi through accused Faisal alias Haji, accused Syed Rizwan Ali in the name & style of M/s. Taj IMpex, M/s. Jubilee Enterprises, M/s. Nawab Impex, M/s. DU Traders, M/s. Hameed Sons and M/s. LBA International under the proprietorship of accused Faisal Ahmed in active connivance of accused Kashif Aslam Relationship Manager, J.S. Bank Dhoraji Branch and accused (applicant) Jahanzaib Siddiqui Relationship Manager, Burj Bank, Korangi Industrial Area, Karachi. Learned counsel informed that the charge has already been framed and trial court is proceeding the matter.

3. Learned Assistant Attorney General in the circumstances of the case and role of applicant assigned in the final charge sheet argued that it is a case of further inquiry against the applicant and has given his no objection if the bail is confirmed.

4. Heard the arguments. The allegation against the applicant as mentioned in the final charge sheet requires further evidence. The matter is being proceeded in the trial court. The applicant is not required for any further investigation to the IO. According to final charge sheet, the co accused Abid Javed Akbar, accused Abdul Kabir Kazi and accused Sarfaraz are already on bail. The other banker Kashif Alam according to the learned counsel for the applicant has been granted post arrest bail by the learned trial court.

5. It is clear that allegation can only be determined at the conclusion of the trial, where deeper appreciation of evidence will be made out whether the accused is involved in the case or not. The allegations by themselves would not constitute bar for the grant of bail in peculiar circumstances of the case. The case of further inquiry pre-supposes 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.

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

JUDGE

Aadil Arab