

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

Cr. B.A. No. 1580 of 2013

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

ShahidVersus.....State

Date of hearing 18.06.2019

Applicant is present along with his counsel Syed Ahmed advocate.

Mr. Kafeel Ahmed Abbasi, DAG.

Muhammad Ali Mazhar, J: Learned counsel for the applicant submitted a copy of interim charge sheet and argued that the same has been considered as final challan by the trial court. In paragraph No.12 it is stated that applicant was transferred crime proceed in the sum of Rs.1,16,27,050/- through pay order on 09.01.2012 from account of Panjtan Associates which was being operated by accused Mian Muhammad Tariq (front man of accused Farhan Ahmed Junejo, Ex-Director, Minister of Commerce, accused Faisal Siddique and TDAP Officers). It is further stated that a sum of Rs.26,64,922/- was transferred on 07.12.2012 through cheque to Talha Enterprises that account was being maintained/operated by its proprietor accused Shakil Ahmed. Accused Mian Muhammad Tariq withdrew the aforesaid crime proceed through cash cheques and handed over to accused Farhan Ahmed Junejo and Faisal Siddique Khan and TDAP Officers.

Learned counsel further argued that the role assigned to the present applicant requires further inquiry. He further argued that various co-accused such as Tariq Iqbal Puri, Mirchoo Mal Khatri, Javed Anwar Khan, Adnan Zaman, Younis Rizwani Shaikh, Abdul Karim Daudpota and Asim Rizwani are already on bail and keeping in mind the rule of consistency, the applicant is also entitled for the same treatment.

2. Learned DAG has gone through the case file and after seeing the role of the present applicant and the bail granted to the co-accused persons, he concedes his no objection to the bail on the rule of consistency.

3. I have also gone through paragraph-12 of the charge sheet in which though the present applicant has been assigned the role of transferring some amount but according to paragraph-12 of the charge sheet, he was not beneficiary rather the beneficiary of this amount was alleged front man of Farhan Ahmed Junejo, Ex-Director, Minister of Commerce and accused Mian Muhammad Tariq. 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.

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

JUDGE

Aadil Arab