

Order Sheet
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Application No. 530 of 2019

Date	Order with Signature of Judge
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1. FOR ORDERS ON OFFICE OBJECTION AT 'A'.
2. FOR HEARING OF BAIL APPLICATION

Date of short order: 25.07.2019.

Applicant Anwar Ali Panhwar through M/s. Khawaja Saif-ul-Islam
and Imran Taj, advocates.
State through Mr. Sagheer Ahmed Abbasi, APG.

ORDER

FAHIM AHMED SIDDIQUI, J:- The applicant is seeking pre-arrest bail in a case registered against him at PS ACE, Karachi through F.I.R. No. 28/2019 under Sections 420, 467, 468, 471, 34 PPC read with Section 5(2) of Act-II of 1947. A similar plea of the applicant was already declined by the trial Court i.e. Special Judge, Anti-Corruption (Provincial), Karachi through impugned order dated 05-01-2019.

2. The learned advocate for the Applicant and the learned Prosecutor argued the matter at length. After considering their valued submissions and consulting the available record, I have observed as under:

- a) In the instant case, the allegations that a group of land mafia in collusion with officials of education and revenue departments, have encroached and sold out the premises of a government school by preparing fake and bogus documents. The applicant is involved in the case being Mukhtiarkar posted at the relevant time in the area.
- b) In the instant case, the nominated accused namely Rasool Bux, Mst. Rasheeda Begum, Imdad and Insaaf Ali are on bail. It is worth noting that all the beneficiaries of the alleged offence are already on bail. It is also worth noting that the incident was allegedly taken place between 2004 to 2009 while FIR was lodged in year 2019.

- c) It is the settled legal position that if the co-accused have been granted bail then the pre-arrest bail of an accused having his case on similar footing is not declined. In this respect, reliance may be taken from Muhammad Ramzan v. Zafarullah (1986 SCMR 1380).

3. With these observation, the pre-arrest bail granted to the applicant vide order dated 19-04-2019 is confirmed on the same terms and conditions.

4. Before parting, I would like to make it clear that the applicant is required to appear before the trial Court regularly and if he avoids to appear before the trial Court and the trial Court is satisfied that the applicant has become absconder than the trial court will be empowered to take every action against the applicant and his surety, including cancellation of bail, without making a reference to this Court.

5. These are the reasons for my short order dated 25-07-2019 and needless to say that the above observations are tentative in nature, as such the learned trial Court is supposed to proceed with the trial purely on merit without diverging due to these observations.

JUDGE

Dated: _____