

ORDER-SHEET
 IN THE HIGH COURT OF SINDH, KARACHI
 CrI. Bail Appln. No. 242/2018.
 CrI. Bail Appln. No.1591/2017.
 CrI. Bail Appln. No. 1623/2017.

Date of hearing	Order with signature of Judge
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FOR HEARING OF BAIL APPLICATION

Date of Hearing : 07.08.2018.

Mr. Rawas Khan, advocate for the applicant in Cr. Bail App. No. 242 of 2017.

Mr. Amir Mansoob Qureshi, advocate for the applicants in Cr. Bail App. No. 1591 of 2017.

Mr. Muneeruddin, advocate for the applicants in Cr. Bail App. No. 1623 of 2017.

Mr. Khalid Mehmood, advocate for complainant along with complainant.

Ms. Zahoor Ahmed Shah, DPG

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**Fahim Ahmed Siddiqui, J:** Since all the applicants appeared in the above criminal bail applications are involved in a criminal case, initiated on one and the same FIR; therefore, this single order is sufficed for their disposal. The complainant has lodged FIR against the applicants at PS Ferozabad Karachi under Sections 395, 342, 506-B & 34 PPC in which the applicants succeeded in getting interim pre-arrest bail through earlier orders passed by this Court. The matter was subsequently fixed for confirmation or earlier order or otherwise and disposed of through a short order dated 07-08-2018 and the following are the reasons for the same.

2. I have heard the arguments advanced from either side and perused record produced before me. After getting enlightened from the valued submissions made at bar and scanning the record, I have observed as under:

- (a) The allegation against the applicants are that they being officials of CTD entered the house of complainant in the morning hours and have taken away 3½ Crore rupees and other valuable articles. As per allegations, the applicants have also taken the complainant with them and continued to torture him for a whole day and also kept his ATM card. Subsequently, he was released after extending threats for not to approach the court otherwise his brother would be murdered. However, the complainant party filed a petition and after one month, his brother was involved in airport attack case by holding a press conference on 29-09-2014.
- (b) It is also alleged in the FIR that one Nasir Urooj came to the complainant house on 03-11-2014 and took him and after taking his thumb impressions and signatures on stamp papers, he was released. Thereafter, he was again taken away on 14-02-2016 from a marriage ceremony and also raided his house thrice and subsequently released.
- (c) Seemingly, all the allegations are serious in nature but when previewed in the backdrop of the facts mentioned in the FIR regarding complainant's brother, it appears to be a fib and fiction designed with some ulterior motives.
- (d) It has been admitted within the body of FIR that the applicant's brother is involved in a heinous offence and he is facing trial in Karachi Airport attack case. All the applicants are police officials, who have taken part in deciphering the airport attack case, as such their false involvement, due to animosity and with intention to save the skin of complainant's brother, cannot be ruled out.
- (e) Regarding, vital aspects of facts, there are contradictory views of the complainant party. The complainant in his FIR has mentioned an amount of Rupees 3½ Crore but in Constitutional Petition filed by the mother of complainant, it is mentioned that the raiding police party comprising applicants have taken away Rs. 500,000/- with them. Similarly, the complainant in his application to SHO PS Ferozabad, mentioned that on the date of incident, accused have taken from his house Rs. 4,50,000/-. It is also worth to

mention that in CP No. 6183/2016, filed by complainant's brother Nadeem Patel, it is mentioned that the culprits have taken \$ 1½ Crore with them.

- (f) In the FIR, two incidents have been described but at the time of framing charge, the second incident was not mentioned, which is sufficient to make dubious the facts described in the body of FIR.
- (g) One of the co-accused namely Abdul Hameed succeeded in getting bail after arrest from the trial court and role assigned to applicant Nasir Iqbal and Babar Iqbal is almost the same while the rest of the applicant is similar save to the fact that their names appeared in FIR.
- (h) After getting interim pre-arrest bail, the applicants have not misused the concession extended to them and there is nothing on record that after getting interim pre-arrest bail, they have ever extended any threats to the complainant party or hamper/temper the prosecution evidence in any manner.

3. In the light of the above observations, I am of the opinion that a case of bail has been made out in favour of the applicant, as such the interim pre-arrest bail granted to the applicant is hereby confirmed on the same terms and condition.

4. It is further observed that if after getting bail, the applicant misuses the concession of bail or choses to become fugitive to law and / or trial then the trial Court will be fully empowered to take any action against the applicant and his surety including 'cancellation of bail' without making a reference to this Court.

5. Needless to say, that the above observations are purely tentative in nature, and shall not prejudice the case of prosecution or defence during trial.

6. The applicant's pre-arrest bail was confirmed through a short order dated 07-08-2018 and the above are the reasons for the same.