

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-1255 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For hearing of main case.

05.12.2019.

Mr. Jamil Ahmed Shah, advocate along with applicant.

Ms. Sana Memon, A.P.G for the State.

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Irshad Ali Shah J;- It is alleged that the applicant being incharge PRC Food Godown Sujawal misappropriate the wheat worth Rs.47,38,575/- for that the present case was registered against him.

2. The applicant on having been refused pre arrest bail by learned Special Judge, Anti-Corruption (Provincial) Hyderabad has sought for the same from this Court by way of instant application u/s 498 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police; the FIR has been lodged with delay of more than two years; the PWs John Hyder, Abdul Haq Brohi and Ali Dino have halfheartedly supported the case of prosecution and all the penal sections applied in FIR areailable excepting one u/s 409 PPC, which is not applicable to the facts and circumstances of the case. By contending so, he sought for pre-arrest bail for the applicant on bail on point of further enquiry as the applicant according to him is apprehending his unjustified arrest at the hands of police.

4. Learned A.P.G. for the State has opposed to grant of pre arrest bail to the applicant by contending that the offence which the applicant has committed is affecting the society at large.

5. I have considered the above arguments and perused the record.

6. The FIR of the incident has been lodged with delay of about two years; such delay could not be lost sight of. All the penal sections applied in FIR are falling with prohibitory clause excepting one u/s 409 PPC, its applicability requires determination at trial. PWs John Hyder, Abdul Haq Brohi and Ali Dino in their 161 CrPC statements have not supported the case of prosecution fully. The entire case is based on documentary evidence, which is already collected by the police. The investigation of the case is yet to be concluded/completed by the police. In these circumstances, a case for grant of pre-arrest bail in favour of the applicant on point of malafide obviously is made out.

7. In view of above, the interim pre-arrest bail already granted to the applicant is confirmed on same terms and conditions.

8. The instant bail application is disposed of accordingly.

JUDGE