

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,**  
**HYDERABAD**

Criminal Bail Application No.S-41 of 2022

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DATE	ORDER WITH SIGNATURE OF JUDGE
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15.04.2022

Mr. Shah Nawaz Bughio, Advocate for the applicant.

Mr. Muhammad Humayoon Khan, D.A.G for Pakistan.

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**Irshad Ali Shah J:-** It is alleged that the applicant with rest of the culprits misappropriated public money in millions of rupees by making false record with regard to sell of Coal at Lakhra Coal Mining Project Hyderabad, for that the present case was registered.

2. On having been refused bail by learned Special Judge Anticorruption (Central) Hyderabad, the applicant has sought for the same from this Court by way of the instant bail application under section 497 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 F.I.R of the incident has been lodged with delay of about three years; it does not contain the name of the applicant and offence alleged against him is not falling within prohibitory clause, therefore, he is entitled to his release on bail on point of further inquiry. In support of his contentions, he relied upon the case of *Naeem Khan Vs. The State and others [2022 SCMR 419]*.

4. Learned Deputy Attorney General for Pakistan, who is assisted by Investigating Officer of the case has opposed to release of the applicant

on bail by contending that he has misappropriated millions of rupees by making fake entries in record with regard to sell of Coal at Lakhra Coal Mine.

5. Heard arguments and perused the record.

6. Admittedly the applicant was Assistant Manager Accounts at Lakhra Coal Mine and he was holding the charge of Project Manager at the time when co-accused Niaz Akhtar was on Ex-Pakistan leave and during such period he issued false receipts and indents with regard to sell of Coal and by such act, caused loss to Pakistan Mineral Corporation to the extent of Rs.20,65,335/-. It is true that the name of the applicant is not transpiring in F.I.R but there is no denial to the fact that it was disclosed subsequently on investigation of the case with ample evidence, which prima facie connect him with commission of incident. In that situation, it would be premature to say that the applicant being innocent has been involved in this case falsely by the police. No justification is advanced by the applicant, which may suggest that the police was having ill-will or ulterior motive to involve him in this case falsely. The F.I.R of the incident has been lodged on noticing the misappropriation of public money; therefore, the delay in lodgment of F.I.R in such like case could hardly be made a reason to order release of the applicant on bail. It is true that the offence alleged against the applicant is not falling within prohibitory clause but it certainly is falling within exceptional clause for the reason that it is involving the misappropriation of public money to large scale. The deeper appreciation of facts and circumstances even otherwise is not

permissible at bail stage. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged.

7. The case law which is relied upon by learned counsel for the applicant is on distinguishable facts and circumstances. In that case the investigating officer was fair enough to say that there is no documentary evidence against the applicant, which is not the case in hand.

8. In view of above, it is concluded safely that no case for release of the applicant on bail is made out, consequently instant bail application is dismissed with directions to learned Trial Court to dispose of the very case against the applicant within two months after receipt of copy of this order.

JUDGE

Muhammad Danish\*