

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

Criminal Bail Application No.S-60 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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15.04.2022

Mr. Ejaz A. Awan, 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 *Mirza Muhammad Zulfiqar and others Vs. The State and others [2000 SCMR 1072]*.

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 public money and then has deposited a portion thereof to the extent of one million.

5. Heard arguments and perused the record.

6. Admittedly the applicant was Account Assistant with Pakistan Mineral Development Corporation at Lakhra; he with rest of the culprits by making forgery in the record has allegedly misappropriated millions of rupees on account of sell of Coal and then has returned a portion thereof. An amount of Rs. 29,83,400/- is said to be still outstanding against him. The name of the applicant of course is not transpiring in F.I.R but 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 he being innocent has been involved in this case falsely by the police. Indeed the police was having no reason to have involved the applicant 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 for 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 loot of public money. The deeper appreciation of facts and circumstances 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

accused was arrested when he appeared before the police in response to join the inquiry, which is not the case in hand.

8. In view of above, it is concluded safely that no case for grant of bail to the applicant 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*