

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

**Crl. Bail Application No. 489 of 2018
Crl. Bail Application No. 490 of 2018
Crl. Bail Application No. 491 of 2018
Crl. Bail Application No. 495 of 2018**

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

For hearing of bail application.

10th May, 2019

Mr. Aamir Mansoob Qureshi, Advocate for applicant.
Mr. Abdul Jabbar Qureshi, D.A.G.

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Omar Sial, J: Tahir Ahmed, the applicant, has sought post arrest bail in four separate cases filed against him. Through this consolidated order we intend to dispose of all bail applications. The cases filed against the applicant are as follows:

- (i) F.I.R. No. 58 of 2011 registered under sections 34, 109, 419 and 420 P.P.C. at the FIA CBC police station in Karachi. Earlier, his post arrest bail application was dismissed by the learned Special Court (Offences in Banks) at Karachi on 19-3-2018.
- (ii) F.I.R. No. 45 of 2012 registered under sections 34, 109, 419, 420, 468, 471 and 477-A P.P.C. at the FIA CBC police station in Karachi. Earlier, his post arrest bail application was dismissed by the learned Special Court (Offences in Banks) at Karachi on 19-3-2018.
- (iii) F.I.R. No. 17 of 2013 registered under sections 34, 109, 409, 420, 468, 471 and 511 P.P.C. at the FIA CBC police station in Karachi. Earlier, his post arrest bail application was dismissed by the learned Special Court (Offences in Banks) at Karachi on 19-3-2018.
- (iv) F.I.R. No. 1 of 2014 registered under sections 109, 409, 419, 420, 468, 471 and 477-A P.P.C. at the FIA CBC police station in Karachi. Earlier, his post arrest bail application was dismissed by the learned Special Court (Offences in Banks) at Karachi on 19-3-2018.

2. For the sake of brevity, the facts in each case are not being reproduced here as they form part of the record. Suffice to say that in each case, a different bank (Standard Chartered Bank, MCB Bank Limited, Summit Bank and Dubai Islamic Bank Pakistan) lodged complaints with the respective banks where they operated their accounts regarding unauthorized debits in their accounts. After enquiry and investigation it was

revealed that a ring of persons (which included the applicant as one of the main players) were involved in this racket. The applicant applied for post arrest bail, which bail was granted to him by the learned trial court in each case on 7-5-2015 solely on grounds of statutory delay. After having been granted bail, the applicant, rather than attend the trial, preferred to abscond. The record appears to show that the applicant continued his activities deploying the same modus operandi and a number of other cases were registered against him. It was only when he was arrested in one of the subsequent cases against him (arising from F.I.R. No. 3 of 2018) that he appeared before the trial court, once again seeking bail in the four cases mentioned above. The reason given by the applicant to the learned trial court for his abscondence was that he was being threatened by a gang of criminals and therefore could not appear. The reason accorded for his abscondence was not believed by the learned trial court, which on 19-3-2018 dismissed the applications (each through a separate order) on the ground that the applicant had misused the concession of bail. The court also observed that the applicant had not voluntarily surrendered after his abscondence and that a series of cases of a similar nature had been filed against the applicant and thus there was all possibility that the applicant would repeat the offence.

3. We have heard the learned counsel for the applicant as well as the learned D.A.G. and perused the record.

4. The learned D.A.G. has put on record details of nine cases in which the applicant is an accused and facing trial. These cases arise from (F.I.R. No. 10 of 2010, F.I.R. No. 58 of 2011, F.I.R. No. 45 of 2012, F.I.R. No. 17 of 2013, F.I.R. No. 1 of 2014, F.I.R. No. 15 of 2016, F.I.R. No. 3 of 2018, F.I.R. No. 9 of 2018 and F.I.R. No. 12 of 2018). Further, the applicant is also facing enquiry in three other cases (Enquiry No. 15 of 2018, Enquiry No.33 of 2018 and Enquiry No. 103 of 2018). Prima facie it appears that the applicant is accused of similar types of offences for a period of nearly a decade, while according to the F.I.A., it is optimistic that some further cases will be unearthed against him. The loss allegedly caused by the acts of the applicant is substantial.

5. The learned counsel for the applicant has failed to satisfy us that the applicant jumping bail was not a deliberate and intentional act of the applicant but has argued that the mere fact of abscondence should not disentitle the applicant from grant of bail. Had the applicant himself voluntarily surrendered after his abscondence or had taken some measures to apprise the learned trial court of the reasons for his absence, perhaps we would have taken a lenient view on the ground of abscondence. The record however shows that the applicant took no such steps and was in fact forced to appear before the

trial court upon being arrested. We agree with the learned trial court's observation that the applicant has misused the concession of bail and prima facie it appears that he has continued and repeated his activities while being on bail. In other words, we are of the view that the applicant has misused the concession of bail and keeping in view his conduct we do not find any reason to interfere with the order of the learned trial court.

6. Above are the reasons for our short order of 17-4-2019 in terms of which we dismissed all the captioned bail applications.

JUDGE

CHIEF JUSTICE