

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Cr. Bail Application No. 1100 of 2018**

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*Date* *Order with signature of Judge*

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For hearing of bail application.

**01.10.2018**

Mr. Rehman Dino, Advocate for applicant.  
Ms. Zahoor Shah, DPG for State.

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The applicant Faisal Labarious Pious has sought post arrest bail in crime number 13 of 2018 registered under sections 409 P.P.C read with section 5(2) of the Prevention of Corruption Act, 1947. Earlier, his post arrest bail application was dismissed on 8-5-2018 by the learned Judicial Magistrate XII, Karachi, East.

2. The allegation against the applicant is that he stole twenty-five electronic tablets from the office of the Sindh Education Foundation on 10-1-2018

3. I have heard the learned counsel for the applicant as well as the learned D.P.G. and have also examined the record with their able assistance. My observations are as follows.

4. It is an admitted position that the keys of the cupboard from where the tablets were stolen were never in possession of the applicant, in fact the same were in the custody of one employee named Jahanzaib who opened the cupboard in the office housing the tablets and discovered that they were missing. There is no police investigation report to show whether the cupboard was forcibly broken into or not. There is no explanation on record to show as to why the F.I.R against the applicant was registered after more than three months of the incident. It is claimed that the applicant confessed to his guilt however it is an admitted position that his confession under section 164 Cr.P.C. was not recorded. Absolutely no investigation has been done by the F.I.A. in the matter to date. Learned DPG has been unable to explain how the provisions of section 409 P.P.C. are attracted in the circumstances of the case. To date there is no record available to establish the particulars of the stolen tablets. How then could the prosecution claim that a particular tablet they found was a stolen one could not be explained by the learned DPG. The recovery of two of the tablets supposedly made on the pointation of the applicant in itself is prima facie unconvincing and needs to be proved at trial. In view of the foregoing the case of the applicant is one of further enquiry.

5. Above are the reasons for the short order dated 19-9-2018 in terms of which the applicant was admitted to post arrest bail subject to his furnishing a solvent surety in the amount of Rs. 50,000 and a P.R. Bond to the satisfaction of the Nazir of this court.

JUDGE