

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-989 of 2022

Cr. Bail Application No.S-992 of 2022

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

07.10.2022.

Applicants are present on ad-interim pre-arrest bail.

M/s. Muhammad Hassan Chang and Amir Ali Abbasi, Advocates for applicants in Criminal Bail Application No.S-989 of 2022.

Mr. Muhammad Asif Shaikh, Advocate for applicant in Criminal Bail Application No.S-992 of 2022.

Ms. Sana Memon, Assistant P.G alongwith Anwar Ahmed, Assistant Director, HDA Hyderabad.

O R D E R

MUHAMMAD IQBAL KALHORO, J- Complainant is Assistant Director Land Management, Hyderabad Development Authority. Before him, applicant Muhammad Anwar, a property dealer, submitted three files in respect of plots situated in Kohsar Extension for transfer in favour of applicants Naveed and Imtiaz. He suspected manipulation and sent the files to law department for a legal opinion, which notified defects in the files. Then, applicant Muhammad Anwar was called upon, to remove the same but in vain. Complainant then sought verification of heirship certificates and Surrender-deed filed with files for transfer, which were reported to be fake, hence, he appeared at police station and registered FIR.

2. I have heard both the parties. Complainant has admitted that before registration of FIR, applicant had filed an application against him before his superiors for keeping the files with him indefinitely for ulterior motives.

3. Learned Defence Counsels have referred to certain documents, which show that civil suits were filed in the Courts for declaration, and through which the heirship certificates were obtained which have been verified. It has not been disputed that transfer of the plots was from one legal heir to another legal heir. It has also not been disputed either that none of the legal heirs / owners of the plots,

purportedly wronged, have come forward to claim their right against the applicants. More so, there is delay of almost five months in registration of FIR. On these grounds, learned Counsels have sought bail, which has been opposed by learned Assistant P.G, so also complainant. However, in view of above discussion, it is clear that case against the applicants is one of further inquiry and *mala fide* on the part of complainant, against whom applicants had already filed a complaint, cannot be ruled out. Accordingly, these applications are allowed and ad-interim pre-arrest bail already granted to the applicants is hereby confirmed on same terms and conditions.

4. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

JUDGE

Shahid