

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-209 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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02.09.2022

Mr. Ghulam Akbar Panhyar advocate for applicant along with applicant on ad-interim pre-arrest bail.

Ms. Sana Memon, Assistant Prosecutor General.

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MUHAMMAD IQBAL KALHORO, J.- District Food Controller Sanghar while visiting Wheat Procurement Centre Dhalyar where applicant was posted as incharge on 13.02.2019 found quantity of wheat viz.3930 Jute bags = 397.335 M. Tons and 1813 PP Katta =94.249 M. Tons for the year 2017-18, shown stored in balance, the details of which are duly mentioned in the FIR, missing. The total worth of missing stock was calculated as Rs.63,59,628.90, which is in addition to Rs.22,00,000/- collected through recoveries by the applicant, which he had failed to deposit. After inquiry and investigation, the case was registered against the applicant and Challan submitted.

2. Applicant's counsel has submitted that applicant is innocent and has been falsely implicated in this case; some of the stock was damaged in the rains in the year 2010, whereas some of the stocks was dumped in Khipro Godown, a certificate of which is available; on the same allegations NAB Reference has been filed against him and he has been granted ad-interim pre-arrest bail by the Honourable Supreme Court; malafide on the part of complainant, therefore, cannot be ruled out; the applicant is ready to furnish security of the misappropriated amount.

3. On the other hand, learned Assistant PG has opposed bail by pointing out the material against him.

4. This case has been registered against applicant on the complaint of his immediate superior officer, who on a visit found a considerable stock missing from the Wheat Procurement Centre Dhalyar / Godown under supervision of applicant, which applicant failed to account for. Additionally he was also found wanting in deposit of an amount of Rs.22,00,000/- which he had collected

through recoveries. The departmental inquiry was made and applicant was found involved. In the investigation, allegations against applicant were prima facie found verified and hence he has been referred to the court for a trial. The point of two cases pending against applicant on same set of allegations cannot be appreciated here requiring tentative assessment. Nor the same could be considered a ground for granting extraordinary concession of bail to an accused against whom there is sufficient material and there is no malafide on the part of complainant. In the circumstances, finding the applicant not entitled to pre-arrest bail, his pre-arrest bail application is dismissed and ad-interim pre-arrest bail earlier granted to him vide order dated 04.03.2022 is hereby recalled.

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

JUDGE