

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No. 2031 of 2021

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

23rd December, 2021

Mr. Abdul Rehman Rana, Advocate for applicants.

Ms. Rahat Ahsan, DPG a/w SI Muhammad Nawaz of P.S. Gadap Town.

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Omar Sial, J: Atif Shakeel and Murtaza Qureshi have sought post arrest bail in crime number 422 of 2021 registered under sections 170, 419, 379, 511 and 34 P.P.C. as well as section 25-D of the Telegraphic Act 1885. Earlier, their application seeking bail was dismissed by the learned Sessions Judge, Malir on 14-10-2021.

2. Facts of the case are that the aforementioned F.I.R. was registered on 28.8.2021 on the complaint of S.I. Ali Akbar. Akbar reported that the applicants came to the police station and told him that D.G. NAB Rawalpindi had spoken to a DSP who had assured the D.G. NAB that the applicants will be permitted to steal reti/bajri. It was subsequently discovered that one Nadeem Abbasi (pretending to be the P.A. of DG NAB Rawalpindi) had made the phone calls to the DSP. The applicants informed the complainant that they had also paid money to Nadeem Abbasi for the "favour".

3. I have heard the counsel for the applicants as well as the learned Deputy Prosecutor General.

4. The applicants are accused of having committed offences under sections 379, 419, 511, 170 and 34 P.P.C. At best however, the record reflects that this was a case of an attempt. Section 419 deals with impersonation however the charge of impersonation is on Nadeem Abbasi and not the applicants. It is also a matter of record that no theft took place. Section 379 carries a potential sentence of three years whereas an attempt to commit such an offence would entail half that punishment. The applicants do not have a previous crime record

and it is yet to be determined what they had come to ask for at the police station and whether they themselves are a victim of Nadeem Abbasi's scam. Nadeem Abbasi is still at large. Investigation is complete and there is no evidence with which the applicants can tamper. No purpose will be served to keep them incarcerated pending trial.

5. In view of the above, the applicants are admitted to bail subject to their furnishing solvent sureties in the sum of Rs. 200,000 each and P.R. Bonds in the like amount to the satisfaction of the learned trial court.

JUDGE