

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.2342 of 2022
Criminal Bail Application No.2343 of 2022

Applicant in Crl. : Rana Imran Sardar S/o Rana Sardar
B.A.No.2342/2022 through Mr. Shamim Alam, Advocate

Applicant in Crl. : Amjad S/o Muhammad Lateef
B.A.No.2343/2022 through Mr. Shamim Alam, Advocate

Complainant : Abdul Wajid S/o Muzammil
through Mr. Waqar A. Shaikh, Advocate

Respondent : The State
through Mr. Siraj Ali Khan, Addl.
Prosecutor General, Sindh a/w ASI Wqar
Rind

Date of hearing : 04.01.2023

Date of order : 04.01.2023

ORDER

AMJAD ALI SAHITO, J -- Through these Bail Applications, applicants/accused seek pre-arrest bail in Crime No.154/2022 registered under Sections 419/420/506/34 PPC at PS City Court, after their bail pleas have been declined by the learned VIIIth Additional Sessions Judge, Karachi South vide order dated 29.11.2022.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel, applicants/accused are innocent and have falsely been implicated in this case by the complainant with malafide intention and ulterior motives; that the complainant has handed over the documents of property for transfer in favour of the document of Fida Hussain; that the accused never impersonated himself as a lawyer; that Fida Hussain already lodged FIR No.72/2022 under Sections 420/34 at PS Baloch Colony against the present complainant; that when the accused came to know about the FIR against the complainant; that there is delay of about

10 months in lodging the FIR for which no explanation has been given by the complainant; that the case of accused requires further enquiry and they are regularly attending the trial Court, as such, they are entitled for confirmation of bail.

4. On the other hand, learned Addl. P.G. duly assisted by learned counsel for the complainant vehemently oppose for confirmation of bail to the applicants/accused on the ground that they have committed the offence of impersonating themselves as lawyers; that all the bank transactions are available on record which show that the amount has been transferred in the account of accused.

5. I have heard the learned counsel for the parties and have perused the material available on record.

6. From perusal of record, it reflects that name of the applicants/accused transpires in the FIR with specific role that they have committed cheating and fraud with the complainant party; however, during course of the investigation, I.O. has collected the documents regarding bank statement and transaction wherein amount was transferred in the name of applicants/accused. Further, the applicants/accused have not denied the receipt of document of property for transfer in the name of daughter of Fida Hussain nor the accused have denied the receipt of payment from complainant; that PWs in their 161 Cr.P.C. statement have also supported the version of the complainant. As far as the claim of the applicants/accused that they have paid entire return amount to the complainant party is concerned, learned counsel for the applicants has not produced any documentary evidence in Court which confirms their claim of entire payment to the complaint. Prima facie, sufficient material is available on record to connect the applicants/accused with the commission of offence. At bail stage, only a tentative assessment is to be made and deeper appreciation is not permissible. There is nothing to show malafide or ill-will on the part of complainant which is requirement for grant of pre-arrest bail. In this context, reliance is also placed to the case of **'Rana Abdul Khaliq v. The State and others'** [2019 SCMR 1129].

7. In view of above and taking guideline from the cited case, learned counsel for the applicant/accused has failed to make out a

case for further inquiry as envisaged under subsection (2) of Section 497, Cr.P.C. Consequently, the interim pre-arrest bail granted by this Court to the applicants/accused vide order dated 02.12.2020 is hereby recalled and the bail applications are **dismissed**.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

JUDGE

Kamran/PA