

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

Crl. Bail Application No. 411 of 2023

---

**DATE**

**ORDER WITH SIGNATURE OF JUDGES**

---

For hearing of bail application.

**11-05-2023**

Mr. Liaquat Ali Khan, Advocate for applicant.

Mr. Talib Ali Memon, A.P.G. a/w SIP Mukhtiar Ali, I.O.

=====

**Omar Sial, J:** Shahryar has sought post-arrest bail in crime number 8 of 2023 registered under sections 419, 420, 468, 471 and 34 P.P.C. at the Jackson police station in Karachi. Earlier, his application seeking bail was dismissed by the learned 7<sup>th</sup> Additional Sessions Judge, Karachi West on 13.02.2023.

2. The aforementioned case was registered on 11.01.2023 on the complaint of one Shahzam Akhtar. Shahzam reported that he was a Deputy Director in the Benazir Income Support Program. His office had received complaints that some people are withdrawing money through ATMs on account of the Income Support Program through false thumb impressions. The applicant was apprehended who had 3 false thumb impressions.

3. I have heard the learned counsel for the applicant and the learned APG. None effected an appearance on behalf of the complainant. My observations and findings are as follows.

4. It is an admitted position that the applicant was arrested first and then the complainant called to the police station and told that the applicant as the person who was trying to cheat 3 ladies by using their thumb impressions. He was also arrested allegedly standing outside a Bank ATM from which he had used false thumb impressions to withdraw money. The source of the policeman's information was not revealed. It is also unusual that on the one hand the police claim the applicant was apprehended on

the spot but on the other absolutely no recovery of the withdrawn money took place. It further appears that no investigation has been carried out on the 3 women whose thumb impressions, the prosecution claims, were being used by the applicant. No forensics have been carried out on the allegedly recovered thumb impressions. Investigation is non-existent in this case. The investigating officer could not explain anything when queried. It seems also that the learned 24<sup>th</sup> Judicial Magistrate, Karachi West on 08.04.2023 had also noticed the inadequate investigation carried out in the case and had directed that another investigating officer be appointed. Malafide on the part of the police, in the circumstances of the case, cannot conclusively be ruled out.

5. Due to a dubious initiation of the case followed up by an extremely lax investigation, the case of the applicant becomes one of further inquiry.

6. Above are the reasons for the short order dated 10.05.2023.

JUDGE