

## IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

CrI. Bail Application No.S- 98 of 2023

Applicant : Arshad Ali Mangi through Mr. Imdad Ali Malik, Advocate.

Respondent : The State through Mr. Munir Ahmed Sial, SPP, FIA along with Inspector Lutuf Ali, FIA Circle, Sukkur.

Date of Hearing : **05<sup>th</sup> June, 2023**

Date of Decision : **05<sup>th</sup> June, 2023**

### **ORDER**

**Omar Sial, J:** The F.I.A. received complaints about suspicious withdrawals of money by a certain franchisee on account of Benazir Income Support Program. The franchisee was traced to be a shop by the name of Arshad Kiryana whose sole proprietor was Arshad Ali Mangi, the applicant herein. Evidence regarding 3 irregular withdrawals and fraudulent use of the BISP, each amounting to Rs. 12,000, made ostensibly by the applicant in the year 2020 is reportedly with the F.I.A. F.I.R. No. 2 of 2022 was registered under sections 3, 4, 13, 14 and 16 of the Prevention of Electronic Crimes Act, 2016 read with sections 109, 406, 419, 420, 468 and 471 was registered against the applicant on 07.01.2022 at the F.I.A.'s Corporate Crime Circle. The applicant sought post arrest bail from the court of the learned 1<sup>st</sup> Judicial Magistrate, Sukkur, however his bail application was dismissed on 30.01.2023.

2. I have heard the learned counsel for the applicant and the learned APG. My observations and findings are as follows.

3. The offences with which the applicant is charged, are non-bailable (except that under section 420 P.P.C.) however the punishment for the same fall within the non-prohibitory clause of section 497 Cr.P.C. The applicant has already been in jail for approximately 6 months to date. In all probability by the time his case is decided, he would have served out his entire sentence. Keeping the principles enunciated in Tariq Bashir and 5 others vs The State (PLD 1995 SC 34), I do not see any extraordinary or exceptional grounds to deny the applicant bail. Further, the prosecution alleges that the 2 out of the 3 thumb impressions used by the applicant in order to withdraw money were those of dead ladies. Of course, the truth of whether they are alive or not, will be revealed at trial when evidence is led. All the requisite evidence, some in the shape of verbal statements and some in the shape of electronic data is in the control of the F.I.A. and there is no likely possibility of the applicant tampering with the evidence. He does not appear to be a flight risk.

4. The applicant is admitted to post arrest bail subject to his furnishing a solvent surety in the sum of Rs. 500,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.