

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-278 of 2023

(Barkat Ali Mahesar Vs. The State)

1. For Orders on office objection.
2. For hearing of Bail Application.

29-11-2023.

Mr. Qurban Ali Malano advocate for the applicant.
Mr. Aftab Ahmed Shar, Additional P.G for the State.

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Irshad Ali Shah, J. It is alleged that the applicant while posted Incharge at Wheat Procurement Center Darbelo misappropriated 48600 bags of wheat (4860 Matric Tons) worth Rs.24,3000000/-, for the stock season 2020/2021, for that he was booked and reported upon by Anti-Corruption Police.

2. The applicant, on having been refused post arrest bail by learned Special Judge, Anti-Corruption (Provincial) Sukkur, Division Camp @ Naushahro Feroze; has sought for the same from this Court by way of instant Crl. Bail Application under section 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police; the FIR of the incident has been lodged with considerable delay; on same cause a reference has also been filed against the applicant before the NAB Court and the offence alleged against him is not falling within prohibitory clause; therefore, he is entitled to be released on bail on point of further inquiry.

4. Learned APG for the State has opposed to release of the applicant on bail by contending that huge public money has been misappropriated by the applicant and instant case has nothing to do with the reference against the applicant, which is pending before the NAB Court.

5. Heard arguments and perused the record.

6. The applicant is named in the FIR with specific allegation that he being incharge at Wheat Procurement Center Darbelo misappropriated the wheat worth Rs.24,30,00000/- for stock season 2020/2021. The NAB reference filed against him is with regard to the misappropriation committed during wheat stock season for 2019/2020. In that situation the contention of learned APG for the State that the instant case has nothing to do with the NAB reference against the applicant could not be lost sight of. The delay in lodgment of the FIR, if any, is natural in case like the present one, which requires inquiry and investigation prior to its lodgment; such delay even otherwise could not be resolved by this Court at this stage. The offence relating to misappropriation of the public money to such a large scale is affecting the society at large, which obviously has put the same within ambit of exceptional clause. It would be premature to say that the applicant being innocent has been involved in this case falsely by the Anti-Corruption Police. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged and no case for his release on bail is made-out.

7. In view of above, the instant Crl. Bail Application is dismissed.

JUDGE