

THE HIGH COURT OF SINDH KARACHI

Criminal Bail Application No. 1096 of 2023

For hearing of Bail Application.

Applicant/ Accused : Faisal Sarwar son of Ghulam Sarwar through Mr. Taha Rehman Jatoi, Advocate.

The State : Through Mr. Muhammad Ahmed, Assistant Attorney General alongwith I.O. Muhammad Sohail, FIA CCC, Karachi.

Ms. Aisha Saeed, A.D.P.P.

Date of hearing : 28-11-2023

Date of order : 28-11-2023

FIR No.42/2021
U/s: 420/468/471/109 PPC
P.S. FIA Corporate Circle.

ORDER

Adnan Iqbal Chaudhry J. - The Applicant/ Accused seeks pre-arrest in the aforesaid crime after the same was declined by the Xth Additional Session Judge, Karachi (East) *vide* order dated 03-05-2023.

2. Per the FIR, lodged on 26-10-2021, the Accused, who was serving as Resource Person (Coordination of Graphics) in the PTV at Karachi, was terminated from service after a departmental enquiry holding that his BA degree from the University of Sindh, Jamshoro, was found to be bogus, and hence he committed offences under section 420, 468 and 471 PPC.

3. Heard the Applicant's counsel and the Assistant Attorney General for Pakistan.

4. The BA degree in question was issued in the year 1994 and was allegedly submitted by the Accused to the PTV (Complainant) for acquiring a job in the year 2005. The departmental action against the Accused was followed by a complaint to the FIA on 24-12-2019. There

is no explanation thus far as to what prompted a probe into the Accused's degree after 15 years of service.

5. It is contended by the Accused that the degree that was sent for verification was not the degree issued to him by the University, and that he has never been confronted with the verification letter dated 10-08-2020 issued by the University. Apparently, the entire case of the prosecution is based upon the letter dated 10-08-2020 said to have been received from the University of Sindh, Jamshoro terming the Accused's degree as bogus. But the challan does not disclose any investigation into that letter or into the record that formed the basis of that letter. Rather column 5 of the challan states that: "*the documentary evidence as per seizure memos and received through letters will be produced in this Hon'ble Court during trial as and when required*".

6. Under the aforesaid circumstances, the submission on behalf of the Accused that his arrest is being sought with *malafides*, is not without force.

7. Of the alleged offences, only the offence under section 468 PPC is non-bailable, and even then, it does not fall within the prohibitory clause of section 497 CrPC.

8. For the foregoing reasons, the Accused Faisal Sarwar has made out a case for the grant of pre-arrest bail in FIR No. 42/2021. Therefore, the interim pre-arrest bail granted to him *vide* order dated 25-05-2023 is confirmed on the same terms and conditions.

Needless to state that the observations above are tentative and shall not be construed to prejudice the case of either side at trial.

SHABAN*

JUDGE