

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 661 of 2024
(Muhammad Adnan v. The State)
Criminal Bail Application No. 1008 of 2024
(Muhammad Shakeel and another v. The State)
Criminal Bail Application No. 930 of 2024
(Shamim Ahmed v. The State)
Criminal Bail Application No. 658 of 2024
(Rashid Hussain v. The State)

Date	Order with signature of Judges
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For hearing of bail application

22.05.2024

M/s. Ahmed Ali Deewan, Shamsuddin Channa, Mr. S.M Nehal Hashmi and Mr. Muhammad Ashraf Samo, advocate for the applicants
Mr. Rasheed Ashraf Mughal, advocate for the complainant
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

It is alleged by complainant Ashraf Hussain that he is the honorary Secretary of Statistics Division Employees Cooperative Housing Society; certain miscreants persons attempted to occupy the land of the society; legal action against them was taken; on 27.9.2003 the applicants and others came at the office of the society with a fake notification whereby it was declared that the managing committee of the society has been dissolved by the competent authority; subsequently, they impersonating them to be administrator or otherwise of the society by using criminal force, took away Rs.2,50,000/-, 611 files of the allottees and other belongings of the society. Based on such allegations, the complainant lodged FIR of the incident with PS Sachal; the interim charge sheet wherein was

submitted by the police before learned Xth- Judicial Magistrate Malir Karachi; it was followed by the filing of final charge sheet; it was returned by learned trial Magistrate with a direction that the case to be investigated by Anti-corruption Establishment, which taken up the investigation; they also submitted interim charge sheet of the case before Special Judge Anti-corruption (P) Karachi. The applicants applied for pre-arrest bail by filing such applications separately; those were dismissed by the learned Special Judge Anti-corruption (P) Karachi. It is in these circumstances that the applicants have sought pre-arrest bail from this Court by making instant bail applications.

It is contended by learned counsel for the applicants that the applicants are innocent and have been involved in this case falsely by the complainant to satisfy his grudge against them; the FIR of the incident has been lodged with a delay of about 18 days and co-accused Wasif Ali has already been admitted to post-arrest bail by this court in earlier hours of the day. By contending so, he sought the release of the applicants on bail on the point of further inquiry and malafide.

Learned Assistant PG for the State and learned counsel for the complainant have opposed to grant of pre-arrest bail to the applicants by contending that they are land grabbers and are vicariously liable for the commission of the incident; the case is still under investigation.

Heard arguments and pursued the record.

The FIR of the incident has been lodged with a delay of about 18 days; such delay could not be overlooked; it reflects consultation and deliberation. The final charge sheet is yet to be submitted by officials of the Anti-corruption establishment. The applicants have joined the trial and there is no report by the learned trial Court which may suggest that the applicants have misused the concession of interim pre-arrest bail. In these circumstances, the case for grant of pre-arrest bail to the applicants on the point of further inquiry and malafide is made out.

In the case of *Muhammad Ramzan Vs. Zafarullah and another* (1986 SCMR-1380), it was held by the Apex Court that;

“no useful purpose was likely to be served if bail of accused(respondent) was cancelled on any technical ground because after arrest he could again be allowed bail on the ground that similarly placed other accused were already on bail”.

Needless to say, the complainant/prosecution would be at liberty to seek cancellation of the bail to the applicants after submission of the final charge sheet, if it prima facie suggests their complete involvement in the commission of the incident.

Under the given circumstances, the interim pre-arrest bail already granted to the applicants is confirmed on the same terms and conditions.

Instant bail applications are disposed of accordingly.

J U D G E