

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail. Appln. No.S- 411 of 2024.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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For hearing of bail application.

14.11.2024.

Mr. Amanullah G. Malik, Advocate along with the applicant.
Mr. Ashfaque Hussain Abro, Assistant Attorney General a/w I.O
SIP Sadam Hussain.

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ZULFIQAR ALI SANGI-J.:- Through this application, applicant Zubair Asghar is seeking pre arrest bail in Crime No. 23 of 2023 registered at P.S FIA, Crime Circle Sukkur for offence under Section 23 of Foreign Exchange Regulation (Amendment) Act 2020 (FERA) R/w Section 109 PPC, after his bail plea was dismissed vide order dated 13.6.2024 passed by learned 1st Additional Sessions Judge/MCTC-I, Sukkur.

2. The facts relating to the case in hand are already mentioned in FIR as well as memo of bail application, therefore, there is no need to reproduce the same.

3. It is mainly contended by learned counsel for the applicant that he is innocent and has been falsely involved in this case; the applicant is having Gold Smith Shop and Kiryana Store; that name of applicant does not transpire in the FIR and he has been implicated in this case by co-accused due to enmity, that the applicant has been booked in this case by FIA with malafide and ulterior motives and no material has been collected against the present applicant to connect him with the commission of offence, therefore, he urged, the prosecution case against the present applicant calls for further enquiry and he is entitled to the confirmation of interim pre arrest bail already granted to him by this Court.

4. Learned Assistant Attorney General opposed the bail application on the ground that the applicant is involved in illegal business of Hawal/Hundi/cash remittance without using the legal channel of Banks; applicant is habitual offender and a huge transaction has been made in his personal Account used by the main accused Qamar Shahzad thus sufficient material is available on record to connect him with the commission of crime, therefore, he is not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the material available on record.

6. I.O present has placed on record the Bank Statement showing transaction of a huge amount in the account of applicant for which applicant is unable to give satisfactory response. The I.O has placed on record copy of FIR No.68 of 2022 of P.S FIA, Rawalpindi and submits that Enquiry No. 23/2023 at FIR/AML/CFT Circle, Multan is also pending. The present applicant is also convicted in similar offence which shows he is habitual offender. Apparently the applicant was found involved in illegal business without using legal channel of Banks. P.Ws have supported the case of prosecution. **Record also reflects that the applicant has already been convicted in similar nature of offence by the Additional Sessions Judge Bahawalpur vide judgment dated 29-02-2024.**

7. In view of above, at this stage, it appears that sufficient material has been placed on record by the I.O which connect the applicant with the commission of offence, the applicant has failed to make out a case for confirmation of interim pre arrest bail already granted by this Court. Accordingly, instant bail application is dismissed. The interim pre arrested bail order passed earlier by this Court on 25.06.2024 is hereby recalled.

J U D G E

Shabir/P.S