

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

Cr. Bail. Appl. No.2649 of 2024

Date	Order with signature of the Judge
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**19.12.2024**

Mr. Shah Imroz Khan, Advocate for applicant.  
Mr. Saifullah Abbasi, advocate for complainant.  
Ms. Seema Zaidi, Addl. P.G.

**ORDER**

**MUHAMMAD IQBAL KALHORO J:** Applicant Yasir Liaqat is seeking pre arrest bail in Crime No.227/2024 U/s 406, 407, 34 PPC of P.S. Mauripur, Karachi. He is present on ad-interim pre arrest bail granted to him vide order dated 13.11.2024 and today matter is fixed for confirmation or otherwise.

2. As per brief facts, complainant is a supervisor at K.B. Go down Hawks bay Road, Karachi. A container with 1110 bags of rice weighing total 27965 K.Gs was booked for export from Port Qasim to Kenya. When the container reached Kenya, it was found that 166 bags weighing total 4150 K.Gs of rice were short. After such knowledge, the driver of the container was asked about information but he started dilly-dallying. As such the owners of the container namely Haji Javed, Baboo, the applicant, were contacted but they avoided to give any specific reply, hence FIR was registered. Subsequently in investigation driver Mubashir was arrested and from him, two bags out of 166 bags were recovered. The interrogation report is available in case file which shows that the bags were taken off the container by the applicant, who is owner, before the container was shipped to Kenya.

3. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in the case; co-accused Mubashir has been granted bail and recovery of two bags has been effected from him; co-accused Haji Javed has been let off by the police under "C" class. He has relied upon 2024 SCMR 1210, PLJ 2023 Cr. C. (Note) 31, 2020 SCMR 670, 2023 SCMR 1773, SBLR 2021 Sindh 1600, 2020 YLR 292, 2022 SCMR 821, 2021 SCMr 130, 2023 SCMR 1152,.

4. On the other hand, learned counsel for complainant and learned Addl. P.G. have opposed the bail stating that applicant's name is mentioned in FIR; the scan report of the container before carrying out weight on computer scale and afterwards is available which shows that top of the container was empty and bags were removed. The CDR record of applicant is available which was

collected during investigation which shows that applicant was not only in contact with driver on relevant day but he was present at Port Qasim; only two bags have been recovered from co-accused Mubashir, driver of the container, whereas the remaining bags are in possession of the applicant. Previously another FIR of similar nature bearing No.302/2024 of P.S. Bin Qasim was registered against applicant however, it is stated by defence counsel that such FIR has been disposed of in "C" class.

5. I have considered submissions of the parties and perused material available on record including impugned order. In the impugned order, learned Judge has observed that applicant has committed breach of trust which act has tarnished image of the country because the container was exported to Kenya after payment was received and there in it 166 bags were found missing. The fact that co-accused has been granted bail is not helpful to the applicant because the principles governing post arrest bail are quite different from pre arrest bail. Recovery of only two bags has been effected so far and still 164 bags of rice have yet to be recovered. The applicant from the very inception was granted pre arrest bail and therefore was not subjected to rigorous interrogation to ensure recovery of remaining bags is affected. The CDR report of the applicant shows that he was present on the spot at the relevant time and was in constant contact with the driver with whose help, prima facie, the bags were removed.

6. No case atleast for extra ordinary concession of pre arrest bail is made out. The concession of pre arrest bail is only for innocent persons who are falsely implicated in a criminal case. In the present case, prima facie there is sufficient evidence connecting the applicant with commission of alleged offence. Accordingly, this pre arrest bail application is dismissed and ad-interim pre arrest bail granted to applicant is hereby recalled.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

The bail application is disposed of.

**J U D G E**

A.K