ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.539 of 2018

Date	Order with signature of Judge

.

For hearing of Bail Application.

16.11.2018.

Mr. Qadir Raza Shaizada Baloch, Advocate for the applicant
Mr. Liaquat Ali Khan, Advocate for the complainant a/w complainant
Mr. Abdul Jabbar Rajput, Assistant Attorney General a/w SIP
Aijaz Ahmed, P.S. Gulshan-e-Iqbal, Karachi

O R D E R

By this order, we dispose of above bail application, whereby applicant is seeking post arrest bail in a case bearing crime No.07/2018, U/s 489-F, 420, 34 PPC, registered at Police Station, Gulshan-e-Iqbal, Karachi.

2.   As per facts complainant Ashfaq Hussain sold his ancestral property and deposited the sale consideration in his bank account. His friend Hamdan Nazir persuaded him to deposit his money in mutual account for higher profit, therefore, he along with his friend met with Faheem Khan, Relationship Manager (the applicant) and gave him 23 cheques amounting to Rs.8,850,000/- for investment in mutual account. In the year 2015 he gave him profit for some days and then when he demanded receipts of his money deposited in the mutual account, he gave him some receipts, which on verification were fond false and relevant A/c No.439813 as bogus. He contacted the applicant and Hamadan who informed him that they had given his money to one lady namely Mst. Farida Johar against file of her flat as security, and received 13 cheqeus from her amounting to Rs.5100000/-. But later on she took away the file of her flat from them on the pretext of selling it and then refused to return the amount. Then complainant contacted Hamadan and asked him to return his money who gave him two cheques of his account, which were bounced on their presentation. Subsequently all the accused refused to give him money.

3.   Learned defence counsel has submitted that applicant is innocent and has been falsely implicated in this case; that the case against the applicant is of further enquiry as no cheque was issued to him; that there is delay in registration of the FIR for which no explanation has been given by the complainant.

4.   On the other hand, learned counsel for the complainant and learned Assistant Attorney General have opposed grant of bail to the applicant.

5.   We have heard the parties and perused the material available on record. The applicant was Relationship Manager in Faisal Bank Ltd., Gulshan-e-Iqbal, Karachi and on the pretext of investing the amount of complainant in some profit earning schemes, he and co-accused jointly and intentionally misappropriated his amount of Rs.8,850,000/-. The applicant is nominated in the FIR with specific role that he had received money from the complainant and for some days had given him profits. But when complainant demanded receipts of original amount deposited by the applicant in the bank, he gave him fake deposit slips which on confirmation were found bogus. Then complainant was kept on false hopes with a story that his money had in fact been given to some lady against file of her flat as security. These facts have been supported by the complainant and witnesses and in the investigation were confirmed by the Investigating Officer. If we take a holistic view of the incident, it appears that applicant in conjunction with the co-accused deprived the complainant of his huge amount, and he therefore *prima facie* appears to be involved in the offence. Consequently, this bail application is dismissed. However, since complainant and his counsel are present and it has been informed that charge has been framed and evidence of one witness has been recorded, we direct, the trial Court to examine the material witnesses including complainant within a period of two (02) months and whereafter the applicant would be at liberty to move a fresh bail application before the trial Court, which if filed, shall be decided on its own merits.

6.   The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.