

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
C.P. No.D-1662 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of M.A.8006/2021

For hearing of main case

30.11.2021

M/s Imtiaz Hussain and Sri Chand Oad advocate for petitioners along with petitioners.

Mr. Sajjad Ahmed Chandio advocate for respondent No.5.

Mr. Muhammad Ismail Bhutto, Addl. A.G Sindh along with I.O. / ASI Huzoor Bux Hingoro of P.S A-Section Dadu.

Mr. Shawak Rathore, D.P.G.

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We have heard the parties. This petition has been basically filed by petitioners for quashment of FIR No.183 of 2021 u/s 465, 466, 468, 470, 471, 120-B PPC registered at PS A-Section Dadu on the ground that they have been falsely implicated in this case by the complainant against whom they have already filed a civil suit as well as a direct complaint. The I.O. is present submits that he has already submitted interim challan in the trial court at Dadu. However, in reply to queries he has not been able to satisfy us about the way he has conducted investigation and which led him to filing of interim challan in the court. We, therefore, direct the SSP Dadu to withdraw investigation from this I.O. and shall appoint a senior police officer not below the rank of DSP to conduct investigation in this matter, examine the parties, the whole record, re-examine the investigation report already compiled by the current I.O and the evidence he has collected and after thorough investigation the report of which shall be submitted before the SSP Dadu first, who shall examine it, and only thereafter such report be submitted before the trial court for proceeding further. Meanwhile, as the interim challan has been submitted, keeping in view the ratio laid down in a number of cases by the superior courts that after submission of the challan, since the remedy is available to accused either u/s 249-A Cr.P.C or 265-K Cr.P.C, as the case may be, the quashing of proceedings cannot be ordered unless some exceptional circumstances are there to justify it, this petition is converted into an application for protective bail. Office is directed to assign proper number to this application and the applicants are granted protective bail for 10 days subject to furnishing a solvent surety in the sum of Rs.20,000/- each and P.R. Bond in the like amount to the satisfaction of Additional Registrar of this Court. This order shall cease to have its effect on expiry of 10 days or on surrender of the applicants before the concerned Court, whichever is earlier.

The bail application stands disposed of in the above terms along with listed application.

JUDGE

JUDGE

Ali Haider