

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI.

Date	Order with signature of Judge
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Cr. Bail Appl No.1631 of 2019

Tahir Ahmed .....Vs.....The State

**For hearing of Bail Application.**

**05.12.2019.**

Mr. Aamir Mansoob Qureshi Advocate for Applicant  
Mr. Irfan Ahmed Memon, DAG a/w I.O. Ahmed Jan Khan, FIA CBC

**ORDER**

Applicant is seeking post arrest bail in a case bearing Crime No.8/2019, U/s 409, 419, 420, 468, 471, 109 PPC, registered at Police Station FIA CBC, Karachi by means of this application.

2. As per brief facts, the applicant allegedly opened a bank account No.242934709 titled Bi Bi & Co. in United Bank Limited (UBL) Chandni Chowk Branch, Karachi fraudulently and impersonated himself as Supervisor in the said company. Then by depositing 14 fake cheque leaves in the said account for clearing succeeded debiting an amount of Rs.7,295,000/- from the account No.0422977001 maintained at DIBPL Hyderi Branch Karachi by one Sarfraz Iqbal, which later on he himself withdrew on different occasions.

3. Learned defence counsel in his arguments has mainly contended that no identification parade of applicant has been held to show his nexus in the offence ; that the offence was allegedly committed in October and November, 2017, whereas FIR was registered on 08.08.2019, but such delay has not been explained; that entire evidence is in shape of documents as such there is no chance of applicant tampering with the same. Learned counsel has relied upon the case laws reported in **PLD 2017 SC 733 and 1996 SCMR 1132** in support of his arguments.

4. On the other hand, learned DAG and I.O. of the case have opposed grant of bail to the applicant and have submitted that so far 15 FIRs of like nature have been registered against him and there are many enquiries into similar accusations pending against him; that he is habitual offender and if he is granted bail he would again repeat the same offence as is evident from his past history.

5. We have considered submissions of the parties and perused the material available on record. The enquiry into the allegations against the applicant was initiated by FIA on a joint complaint from officials of FRMU DIBPL, Karachi and Dubi Islamic Bank Limited Hyderi Branch, Karachi. In the investigation after FIR, the statements of relevant witnesses including bank

officials and account holder namely Sarfraz Iqbal were recorded. They have supported allegations against the applicant. PW Sarfraz Iqbal has produced in his statement original cheque leaves, which were faked by the applicant and used for debiting the amount from his account. The footages of CCTV camera identifying the applicant withdrawing the amount from various branches of the bank have also been collected and so also statements of bank officials recognizing the applicant withdrawing the amount from the banks have been made part of the investigation. The material displaying withdrawal of amount from Automated Teller Machine (ATM) by the applicant has also been collected to establish that it was applicant, who was operating the account titled as Bi BI & Co. which was used for debiting the amount from the account of PW Sarfraz Iqbal. The statement of PW Ms. Misbah Bibi, the de jure owner of account where the amount was credited has also been recorded in the investigation. She has stated that applicant had fraudulently obtained her signature on various documents, which were used for opening the bank account on her behalf. She has further disowned proprietorship of company named Bi Bi & Co. Further the I.O. has informed that there is a positive report of handwriting expert concerning signatures of the applicant on cheque leaves.

6. Besides above material, it has been shown that the applicant has been booked in 15 other cases of like nature and there are many enquires pending against him in regard to similar accusations. Needless to say that at the time of deciding bail application only tentative assessment of material is to be made and going by this rule the applicant seems to be connected with the alleged offence. During the arguments it has also been informed that applicant was arrested on 19.08.2019 and challan has been submitted in the trial Court. In the circumstances, we while dismissing the application on merits direct the trial Court to expedite the trial and examine the material witnesses within a period of 03 months. Thereafter the applicant would be at liberty to move a fresh bail application before the trial Court in the light of material collected, which if filed, shall be decided on its own merits.

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

Judge

Judge

Rafiq P.A.