

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Appl. No.570 of 2024 - Cr. Bail Appl. No.573 of 2024
Cr. Bail Appl. No.604 of 2024 - Cr. Bail Appl. No.618 of 2024
Cr. Bail Appl. No.623 of 2024 - Cr. Bail Appl. No.626 of 2024
Cr. Bail Appl. No.645 of 2024 - Cr. Bail Appl. No.651 of 2024
Cr. Bail Appl. No.676 of 2024 - Cr. Bail Appl. No.696 of 2024
Cr. Bail Appl. No.524 of 2024 - Cr. Bail Appl. No.694 of 2024
Cr. Bail Appl. No.743 of 2024

Date	Order with signature of Judges
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For hearing of bail applications.

15.04.2024.

Mr. Zakir Hussain Bughio, advocate for the applicants.
Mr. G.M. Bhutto, advocate for the applicants.
Mr. Munir Ahmed Gilal, advocate for the applicant.
Mr. Kausar Ali Shar, advocate for the applicant.
Mr. Ahmed Ali Ghumro, advocate for the applicant.
Mr. Zulfiqar Ali Langha, advocate for the applicants.
Mr. Muhammad Hanif Noonari, advocate for the applicant.
Mr. Muhammad Jamil, advocate for the applicant.
Mr. Asadullah Ghumro, advocate for the applicant.
Raja Meer Muhammad, advocate for the applicant.
Mr. Asghar Ali Shaikh, advocate for the applicant.
Mr. Ahmed Pirzada, advocate for the applicant.
Mr. Abrar Ali Khichi, Addl. Prosecutor General Sindh.

Muhammad Karim Khan Agha, J. These bunch of bail applications arise out of the same FIR No.07 of 2023 of PS ACE-East Karachi u/s.161/420/468/471/34 r/w Section 5(2) Act-II, 1947. The following applicants namely 1) Aijaz Ali Halepoto 2) Muhammad Asif 3) Husam Ahmed Shamsi 4) Ayaz Ali Soomro 5) Mumtaz Ahmed Karimi 6) Majid Hussain Mangi 7) Muhammad Ilyas 8) Muhammad Younus 9) Shaikh Majid Jawaid 10) Aijaz Laghari 11) Muhammad Zaman Khaskheili and 12) Syed Raza Ali Imam had applied for post-arrest bail which was declined by the Court of Special Judge Anticorruption (Provincial) Karachi vide order dated 09.03.2024. Hence the all the above applicants have approached this Court for their post-arrest bail. Applicants Muhammad Aslam Shar and Zulfiqar Ali Laghari have been granted pre-arrest bail by this Court subject to confirmation following their rejection by the concerned trial Court.

2. Brief facts of the case as per FIR are that the Chairman, ACE-II Karachi on 07.07.2023 after initial inquiry accorded permission for FIR No.07/2023 to be lodged which alleged that Mrs. Shabana Kanwal, Sr.Clerk Revenue Murad Memon Sub-

Division District Malir Karachi indulged in bribery and manipulation in record/documents of land as evidenced from a viral video on social media in which she has been seen while demanding and accepting bribes of millions of rupees in respect of preparation of documents in collaboration with other officers. On such viral video on social media the Deputy Commissioner Malir Karachi (Murad Memon) Karachi placed her under suspension for this act of corruption taking bribe and manipulation of land documents. Hence this FIR was lodged.

3. I have heard the learned counsel for the parties and perused material available on record.

4. The FIR was lodged on 07.07.2023 and the interim charge sheet was submitted on 27.07.2023. It is notable that none of the applicants are named in the interim charge sheet. However, in the final charge sheet which was submitted on 15.12.2023 whereby all the applicants have been named. In essence Mrs. Shabana Kanwal who has already been granted bail by the trial Court colluded with the applicants to change the land entry of Zaheeruddin Pathan & Co. and sell the same to other purchasers through fraud, forgery and collusion alongwith all the applicants.

5. The offences for which the applicants have been charged carry maximum sentence of 07 years in jail and in such likes cases the general rule is that bail should be granted unless exceptional circumstance exist to deny the grant of bail. In this case no exceptional circumstance exist which justify the refusal of bail to any of the applicants. Admittedly no loss has been caused to the government exchequer as this appears to have been an attempt made on behalf of the applicants which could not materialize. The case is purely based on documentary evidence and as such there is no chance for the applicants to tamper with the evidence. It is also noted that the main accused Shabana Kanwal has already been granted post arrest bail despite only spending 03 weeks in jail. It appears that weight was given to the fact that she was a lady in granting her bail. This may be true, however, the case of the applicants is on a far better footing then that of accused Shabana Kanwal, who has already been granted post arrest bail on the basis that in her case she was seen demanding and receiving bribes in a

video which went viral on social medial in connection with this alleged scam. However, there is no photograph or video in the case of the applicants. The applicants, who have applied for post arrest bail, have already spent almost 08 weeks in jail and the charge is yet to be framed. There are 21 PWs who are to be examined and it will take sufficient time to complete the prosecution evidence as the charge has not even been framed yet.

6. Based on rule of consistency and other reasons discussed above the applicants **1) Aijaz Ali Halepoto 2) Muhammad Asif 3) Husam Ahmed Shamsi 4) Ayaz Ali Soomro 5) Mumtaz Ahmed Karimi 6) Majid Hussain Mangi 7) Muhammad Ilyas 8) Muhammad Younus 9) Shaikh Majid Jawaid 10) Aijaz Laghari 11) Muhammad Zaman Khaskheili and 12) Syed Raza Ali Imam** are hereby granted post arrest bail subject to furnishing their solvent surety in the sum of Rs.10,00,000/- (Rupees Ten Lac) **each** and P.R. bond in the like amount to the satisfaction of the trial Court.

7. With regard to the applicants **Muhammad Aslam Shar and Zulfiqar Ali Laghari**, who are on pre-arrest bail, since if their pre-arrest bail was recalled they would almost certainly be granted post arrest bail as their role is similar to that of all the applicants being granted post arrest bail today and as such it is settled that in such circumstances their pre arrest bail granted earlier to them by this Court vide orders dated 05.03.2024 and 25.03.2024 respectively should be confirmed and is hereby confirmed on the same terms and conditions.

8. This order is based only on a tentative assessment of the evidence and the learned trial Court shall also not be influenced with observations made either in this order or order dated 24.07.2023 whereby main accused Shaban Kanwal was granted post arrest bail and shall proceed to decide the case on merits expeditiously. Copy of this order shall be sent to concerned trial Court for compliance.

9. All the above captioned criminal bail applications stand disposed of in the above terms. Office is directed to place a signed copy of this order in all connected bail applications.

JUDGE