

**IN THE HIGH COURT OF SINDH CIRCUIT COURT AT
HYDERABAD**

Criminal Bail Application No.S-952 of 2025

Applicant : Dil Murad son of Ghulam Muhammad
through Mr. Ayaz Hussain Tunio,
Advocate

Respondent : The State through Mr. Bashir Ahmed
Almani, Assistant Attorney General,
Pakistan

Date of Hearing : 30.09.2025

Date of Order : 30.09.2025

ORDER

Jan Ali Junejo, J.- The applicant Dil Murad son of Ghulam Muhammad, presently confined at Central Prison, Hyderabad, has applied for post-arrest bail under Section 497 Cr.P.C. in Crime No.10 of 2025, registered at Police Station FIA Crime Circle, Larkana, for offences punishable under Sections 420, 468, 471, 34, and 109 of the Pakistan Penal Code, 1860 read with Section 5(2) of the Prevention of Corruption Act, 1947. The case pertains to alleged misappropriation of government funds amounting to Rs.22,383,186/- at the General Post Office (GPO) Jacobabad, during the tenure of co-accused Mukhtiar Ahmed Dashti, Treasurer, and the present applicant, who was serving as Senior Postmaster GPO Jacobabad. Earlier, the applicant's post-arrest bail plea bearing Criminal Bail Application No.137 of 2025 was moved before the learned Special Judge (Anti-Corruption) Central, Hyderabad, which was dismissed vide detailed order dated 06.08.2025 on the ground that the applicant being the supervisory officer was jointly responsible under the departmental code for the embezzled amount and that his case was not fit for further inquiry. The applicant had previously also approached the same court for pre-arrest bail, which was declined vide order dated 19.06.2025. Aggrieved by the dismissal of his post-arrest bail, the applicant has now invoked the jurisdiction of this Honourable Court through the present application seeking enlargement on bail.

2. The FIR was lodged by Irshad Ali Joyo, Senior Postmaster GPO Jacobabad, on 21.04.2025, on the basis of Enquiry No.46/2025 of FIA Composite Circle, Larkana. The departmental enquiry had revealed a shortfall in treasury accounts initially assessed at Rs.19,942,786/-, later recalculated as Rs.22,383,186/-. The FIR nominated Mukhtiar Ahmed Dashti as the principal offender. The name of the present applicant was introduced subsequently during investigation as being jointly responsible in supervisory capacity.

3. Learned counsel for the applicant, Mr. Ayaz Hussain Tunio, Advocate, vehemently contended that the applicant is innocent and has been falsely implicated in this case merely by virtue of his supervisory post, without any direct or documentary evidence linking him to the alleged misappropriation. He submitted that the entire case rests upon audit objections and statements of co-accused, which by themselves do not establish criminal liability against the applicant unless duly proved through admissible evidence at trial. Learned counsel further argued that no recovery has been made from the applicant, nor has any material surfaced to suggest that he ever derived any personal benefit from the embezzled amount. It was asserted that the principal role of maintaining and disbursing funds lay with the co-accused Treasurer Mukhtiar Ahmed Dashti, whereas the applicant's function was purely administrative, limited to the supervision of staff and routine postal affairs. He emphasized that the investigation has been completed, challan has been submitted, and the continued detention of the applicant serves no useful purpose. Learned counsel also pointed out that the applicant has deep roots in society, a clean service record, and no likelihood of absconding or influencing witnesses. It was next contended that the alleged financial discrepancy is still under audit reconciliation, making the applicant's case one of further inquiry under Section 497(2) Cr.P.C. Moreover, it was urged that the applicant's health condition has considerably deteriorated during incarceration, as supported by medical documents on record, thus entitling him to bail on humanitarian grounds as well. He, therefore, prayed that the applicant be admitted to post-arrest bail pending trial, on such terms and conditions as this Honourable Court may deem fit and proper.

4. Conversely, Mr. Bashir Ahmed Almani, learned A.A.G., opposed the grant of bail and fully supported the impugned order of the trial court. He argued that the applicant, being the Senior Postmaster, was the

supervisory and sanctioning authority responsible for the management of government funds at the General Post Office, Jacobabad, and hence cannot evade liability on the pretext that the actual handling of cash was done by his subordinates. Learned A.A.G. submitted that the investigation has revealed a systematic and premeditated act of embezzlement of public money through forged vouchers, fake money orders, and fabricated records, all prepared under the applicant's official supervision and approval. He maintained that the applicant's signatures and initials appear on several disputed documents, clearly connecting him with the offence. It was further argued that the offences are heinous and fall within the prohibitory clause of Section 497 Cr.P.C., involving criminal breach of trust and corruption in public service, which strike at the integrity of public institutions. He also contended that the previous bail application was dismissed on merits through a well-reasoned order by the learned trial court, and that no fresh ground or change of circumstance has been shown in the present application to justify a different view. He finally submitted that, given the applicant's influence over departmental witnesses and pending departmental inquiry, his release on bail may prejudice the prosecution case. He, therefore, prayed that the instant bail application be dismissed, as the applicant does not deserve the concession of bail in such serious economic and corruption-related offences.

5. I have given my anxious consideration to the arguments advanced by learned counsel, perused the contents of the FIR, the impugned order of the learned trial Court, and examined the material available on the record. Upon tentative assessment, it appears that the FIR does not nominate the present applicant. His name surfaces subsequently during investigation primarily due to his official position rather than any specific incriminating material. The primary offender, as per the FIR and departmental enquiry, remains Mukhtiar Ahmed Dashti, Treasurer, who absconded after the detection of loss. The allegation against the applicant is one of negligence or omission rather than active participation or benefit from the embezzlement. Such supervisory liability, without concrete evidence of collusion or personal gain, is not sufficient to attract criminal liability under Section 5(2) PCA or Sections 420, 468, 471 PPC at this stage. No departmental proceedings appear to have been finalized against the applicant. The absence of such action, despite lapse of

several months, reinforces the contention that there is no conclusive evidence of misconduct or breach of trust on his part. The medical report produced from Central Prison Hospital, Hyderabad, confirms that the applicant is a known case of Ischemic Heart Disease (IHD), has undergone bypass surgery, and suffers from diabetes. He is under continuous medical supervision and has been referred to Liaquat University Hospital, Hyderabad for further evaluation. Considering his age and medical history, continued incarceration without adequate medical facilities may endanger his life. The entire evidence presently available against the applicant is circumstantial, inferential, and based on official hierarchy rather than direct proof. Whether the applicant was complicit in or negligent towards the embezzlement is a matter requiring further inquiry within the meaning of Section 497(2) Cr.P.C. There is nothing on record suggesting he will abscond or tamper with prosecution evidence. The investigation is complete and challan submitted, thus the applicant's further custody is not required.

6. It is an admitted position that the entire prosecution case rests upon documentary evidence, all of which is already in the possession of the FIA authorities. Hence, there appears to be no likelihood of tampering with the same in the event the petitioner is admitted to bail. Reliance in this regard is placed upon the case of ***Jabran and another v. The State through Director General FIA and others (2025 SCMR 1099)***, wherein the Honourable Supreme Court of Pakistan was pleased to hold that: *"Furthermore, the prosecution case is based upon documentary evidence only which is already available with FIA authorities and there is no apprehension of tampering with the same if the petitioner is admitted to bail"*.

7. In view of the foregoing discussion, it is evident that:

1. *The applicant's involvement is prima facie doubtful.*
2. *The role assigned to him is supervisory and indirect.*
3. *The case requires further inquiry as contemplated by Section 497(2) Cr.P.C.*
4. *The applicant's age and deteriorating health further justify his release on bail.*

8. Consequently, this bail application is allowed. The applicant Dil Murad son of Ghulam Muhammad is admitted to post-arrest bail in Crime No.10 of 2025, Police Station FIA Crime Circle, Larkana, under Sections

420, 468, 471, 34, 109 PPC r/w Section 5(2) PCA, 1947, subject to furnishing:

- Solvent surety in the sum of Rs.500,000/- (Rupees Five Hundred Thousand Only), and
- P.R. bond in the like amount to the satisfaction of the learned trial Court.

The applicant shall attend each and every hearing before the trial Court and shall not misuse the concession of bail in any manner.

9. It is, however, clarified that the observations made herein are tentative in nature, confined to the disposal of the instant applications, and shall not prejudice the case of either party during trial, which shall be decided strictly on its own merits. These are the reasons of the Short Order dated: 30-09-2025.

JUDGE