

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No.229 of 2015

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

For hearing

05.06.2015

Mr. Khalid Mehmood Awan, Advocate for the applicant.
Mr. Pir Riaz, Standing Counsel.

Through the instant bail application, applicant/accused Robin @ Rabi Shah s/o Saraina seeks bail after arrest in FIR No.25/2014, registered at police station FIA Crime Circle, under Sections 419/420/468/471/109, PPC.

2. Brief facts of the prosecution case as disclosed in the FIR are that consequent upon Enquiry No.15/2014 dated 22.4.2014 of FIA Crime Circle, Karachi registered with the approval of competent authority received vide letter No.FIA/DSK/MISC/2014/CCK/B-5910, dated 22.04.2014, on the written complainant of Mr. Hammad Saeed s/o Saeed Ahmed that he was cheated by the applicant on the premise that he is Applicant is Sub-Inspector and will arrange appointment in FIA and demanded Rs.15,00,000/-. During the course of enquiry it has been established that the appointment letter of Assistant Sub-Inspector in FIA given to the complainant Hammad Saeed s/o Saeed Ahmed Shaikh by accused Robin s/o Saraina pretending himself to be a Sub-Inspector of Intelligence Bureau Government of Pakistan, has been proved fake/forged and the signatures established that accused Robin is not an Intelligence Bureau Officer rather he impersonating himself as sub-Inspector IB.

Besides, it has also established that accused Robin after obtaining amount from the complainant in different occasion part of that he deposited in Allied Bank Limited.

3. The applicant/accused approached the learned Sessions Judge, Malir, Karachi, for post arrest bail, which was disposed of with direction to the learned trial Court to decide the case of the applicant within three months by order dated 14.01.2015. Thereafter, the applicant approached this Court for grant of post arrest bail.

4. Learned counsel for the applicant contended that the applicant is innocent, no offence as alleged or otherwise has been committed by him, he has been involved in this false case in collusion with the police for ulterior motive. It is stated by the learned counsel that co-accused namely Sunil has already granted bail on 13.6.2014, which was duly confirmed by the Hon'ble District Judge Malir vide bail No.741/2014, and the case of the applicant / accused is on same footing and case of the applicant is very much identical to co-accused persons and principle of consistency is applicable in the above matter. He lastly argued that applicant is in custody but not a single witness has been examined by the prosecution and the delay has not been attributed to the applicant, as such, concession of bail may be granted to the applicant. In support of his contentions, learned counsel for the applicant has relied upon **PLD 2012 Sindh 147 Zia-ud-Din ..Vs.. The State.**

5. Learned Standing Counsel argued that since the applicant has committed a heinous offence as such he is not entitled to concession of bail. He opposed the bail application.

6. After hearing the learned counsel for the parties and going through the record, it has been noticed that other co-accused have been granted bail and principle of consistency will also apply to the present applicant/accused. At the bail stage, tentative assessment of material collected during investigation is to be made. Benefit of doubt even for limited purpose of bail is to be extended to the applicant/accused in the circumstances of case. Applicant/accused is in jail yet charge has not been framed.

7. For the above stated reasons, *prima facie*, there are sufficient grounds for further inquiry into his guilt as contemplated under subsection (2) of Section 497 Cr.P.C. Concession of bail is extended to the applicant/accused Robin @ Rabi Shah son of Saraina subject to his furnishing solvent surety in the sum of Rs.25,000/- (*Rupees Twenty Five Thousand*) and P.R bond in the like amount to the satisfaction of trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant/accused on merits.

JUDGE

SM