

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 965/2014

Present:

Mr. Justice Aqeel Ahmed Abbasi.

Mr. Justice Muhammad Junaid Ghaffar.

Seema Afreen -----Applicant

Versus

The State ----- Respondent

Date of hearing: 28.5.2015

Date of order: 28.5.2015

Petitioner: Through Mr. Khaleeq Ahmed Advocate.

Respondent Mr. Dilawar Hussain Standing Counsel
assisted by Inspector Abdul Rauf Shaikh FIA.

ORDER

MUHAMMAD JUNAID GHAFFAR, J.

Through instant Bail

Application the applicant / accused namely *Seema Afreen* has sought Pre-arrest Bail in respect of Case No. 40/2014, emanating from Crime No. 30/2014 registered under Sections 109/420/467/468/471/109/34 PPC read with Section 5(2) Provision of Corruption Act, 1947 read with Sections 3 and 4 Anti Money Laundering Act, 2010, at Police Station FIA, Commercial Bank Circle, Karachi.

2. We have heard the learned Counsel for the applicants and the learned Standing Counsel at length who has been duly assisted by the

Investigating Officer and have perused the record and our observations are as follows:-

- a) The instant crime has been registered by FIA primarily against one main accused namely *Wajahat Hussain Naqvi* who was the then branch Manager of Allied Bank of Pakistan Limited, Hassan Square Branch, Karachi, initially an absconder and now deceased, and as per the case of prosecution, was instrumental in the premature encashment of Term Deposit Receipts (TDR's) of KMC, deposited with Allied Bank of Pakistan, causing losses, and had also embezzled money of KMC in connivance with some officials by making and preparing pay orders in the name of some private persons. Insofar as the role of present applicant are concerned the prosecution has alleged that the present applicant being a Bank employee along with the deceased accused, *Wajahat Hussain Naqvi* had opened a fake / forged account of KMC in the name and title of Project Director TKP (Tamir-e-Karachi Programme) which is the entire case of the prosecution against the present applicant, whereas, the learned Counsel and the Investigating Officer present in Court have candidly conceded that since the other bank employees have already been granted post arrest bail vide order dated 1.10.2014 in Criminal Bail Application No. 1278 of 2014, the interim pre arrest bail granted to the present applicant may be confirmed in the same terms.
- b) Though the learned Standing Counsel and the Investigating Officer have conceded for grant of bail to the present applicant, however, even otherwise, perusal of the record

reflects, that no specific role has been assigned to the present applicant for having committed the alleged offence, whereas, it is not the case of the prosecution that the present applicant was also a beneficiary of such alleged offence, nor any material whatsoever has been placed on record or shown to us, whereby, it could be suggested that the present applicant who was working in the said branch, had committed the alleged crime, but has rather, acted on the directions of the Customer (KMC) as well as of the Branch Manager.

4. In view of hereinabove facts and circumstances of the instant case we are of the view that the present applicant has made out a case for bail therefore, ad-interim pre-arrest bail granted to the applicant namely **Seema Afreen** vide order dated 6.6.2014 is hereby confirmed on the same terms and conditions. Cr. Bail Application stands disposed of.

5. The above bail order has been passed by us in a shorter format as prescribed by the Honourable Supreme Court in the case of *Muhammad Shakeel V/S The State (PLD 2014 SC 458)*, whereby we have not reproduced the entire contents of the FIR as well as the details of the arguments so addressed / raised by the learned Counsel for the applicants as well as learned DAG.

J U D G E

J U D G E

ARSHAD/