

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 831 of 2024
(Wasif Ali v. The State)

Date	Order with signature of Judges
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For hearing of bail application

22.05.2024

Mr. Harchand Rai, advocate for the applicant
Mr. Rasheed Ashraf Mughal, advocate for the complainant
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

It is alleged by complainant Ashraf Hussain that he is the honorary Secretary of Statistics Division Employees Cooperative Housing Society; certain miscreants persons attempted to occupy the land of the society; legal action against them was taken; on 27.9.2003 the applicants and others came at the office of the society with a fake notification whereby it was declared that the managing committee of the society has been dissolved by the competent authority; subsequently they impersonating them to be administrator or otherwise of the society by using criminal force, took away Rs.2,50,000/-, 611 files of allottees and other belongings of the society. Based on such allegations, the complainant lodged FIR of the incident with PS Sachal; the interim charge sheet wherein was submitted by the police before learned Xth- Judicial Magistrate Malir Karachi; it was followed by the filing of final charge sheet; it was returned by learned trial Magistrate with direction that the case to be investigated by Anti-corruption Establishment, which taken up the investigation; they also submitted interim charge sheet of the case before Special

Judge Anti-corruption (P) Karachi. The applicant on his arrest applied for his release on bail by filing such an application; it was dismissed by the learned Special Judge Anti-corruption (P) Karachi. It is in these circumstances that the applicant has sought his release on bail from this Court by making the instant bail application.

It is contended by learned counsel for the applicant that the applicant is innocent and has been involved in this case falsely by the complainant to satisfy his grudge against him; the FIR of the incident has been lodged with a delay of about 18 days, yet it does not contain the name of the applicant and co-accused Abdul Nabi with utmost similar role has already been admitted to bail by the learned IVth-Additional Session Judge Malir Karachi. By contending so, he sought the release of the applicant on bail on the point of further inquiry.

Learned Assistant PG for the State and learned counsel for the complainant have opposed the release of the applicant on bail by contending that the applicant is a land grabber and is vicariously liable for the commission of the incident; the case is still under investigation and recovery of certain articles so taken away is yet to be made from him.

Heard arguments and pursued the record.

The FIR of the incident has been lodged with a delay of about 18 days; such delay could not be overlooked; it reflects consultation and deliberation. The final charge sheet is yet to be submitted by officials of the Anti-corruption establishment. The applicant has been

in custody for seven months; none indeed could be kept in custody for want of further investigation. There is no likelihood of absconsion or tampering with the evidence on the part of the applicant. In these circumstances, a case for the release of the applicant on bail on point of further inquiry is made out.

Needless to say, the complainant/prosecution would be at liberty to seek cancellation of the bail of the applicant after submission of the final charge sheet, if it prima facie suggests his complete involvement in the commission of the incident.

Under the given circumstances, the applicant is admitted to bail subject to his furnishing surety in the sum of Rs.100,000/- (rupees one lac only) and P.R bond in the like amount to the satisfaction of the learned trial Court.

Instant bail application is disposed of accordingly.

J U D G E