

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Appln. No. S-265 of 2025  
Criminal Bail Appln. No. S-268 of 2025

Applicant : Khaliq ur Rehman Sangi,  
(In Cr. Bail Appln. No. S-265/2025) Through Mr. Noor Ahmed Lashari, advocate

Applicant : Sajid Ali Mahessar,  
(In Cr. Bail Appln. No. S-268/2025) Through Mr. Amir Muhammad Dahani, advocate

The State : Through Mr. Oshaq Ali Sangi,  
Assistant Attorney General  
for Pakistan

Date of hearing 04-06-2025  
Date of order 04-06-2025

**ORDER**

**SHAMSUDDIN ABBASI, J.**- Through single order, I dispose of two bail applications. Applicant Khaliq ur Rahman Sangi seeks post-arrest bail in Cr. Bail Appln. No. S-265/2025 and applicant Sajid Ali Mahessar seeks post-arrest bail in Cr. Bail Appln. No. S-268/2025. Both bail applications are arising out of same crime bearing No.06/2024, offence U/s 3,4 AML- (Act Amended-2020), r/w Section 109 P.P.C, registered at Police Station F.I.A Composite Circle, Sukkur, whereby their bail plea was declined by the learned I-Additional Sessions Judge/Tribunal, Larkana vide order dated 21.05.2025.

2. The facts depicted in the impugned order are reproduced here as under:-

“According to prosecution, FIR No.20/2023 was registered with respect to offence, punishable under Section 23 of the Foreign Exchange Regulation Act, 1947 against the applicants and that during inquiry, it was found that the proceed has been generated from the predicate offence, alleged in the said FIR and resultantly, in the account of applicant Sajid Ali, an amount of Rs.43,01,598 has been found and an amount of Rs.1,16,15,492 and Rs.6,04,75,638/- has been found in the accounts of bail applicant Khaliq ur Rehman and, therefore, the offence under Section 3 of the Anti-Money Laundering Act, 2010 has been alleged in the present F.I.R to have been committed.”

3. Learned counsel for the applicants/accused submits that the applicants are innocent and have falsely been implicated in this case, otherwise they have nothing to do with the alleged offence; that alleged offence does not

come within the prohibitory clause of Section 497 Cr.P.C; the case has been challaned, therefore, the applicants are no more required for further inquiry and they are behind the bars since their arrest without any progress in the trial.

4. On the other hand, learned Assistant Attorney General opposed for grant bail application on the ground that transactions of huge amounts in their bank accounts have been found which connect them in the crime proceeds; that instant F.I.R is outcome of F.I.R No.20/2023; that the alleged offence comes within the prohibitory clause of Section 497 Cr.P.C. He finally prayed that applicants are not entitled for grant of post-arrest bail.

5. Heard learned counsel for the applicants, learned Assistant Attorney General and perused the material available on record.

6. It is matter of record that alleged offence is outcome of F.I.R No.20/2023 of Police Station F.I.A, Composite Circle Larkana for the offence U/S 4, 5, 23 of Foreign Exchange Regulations Act, 1947 (amended-2020), r/w Section 34, 109 P.P.C, wherein all the nominated accused were admitted on bail by the learned trial court. Learned Assistant Attorney General admits that they have not challenged the bail granting order before this Court. Material available with the prosecution is based in shape of documentary evidence and all the P.Ws are officials of F.I.A, therefore, question of tampering with the evidence does not arise. Applicants are in custody since their arrest without progress in the trial. No purpose would be served to keep them in jail for indefinite period. The punishment provided in the alleged offence is upto ten years. It is settled proposition of law that lesser sentence can be considered at bail stage as held by this court in reported case. This view has already been taken by this Court in the case of **Shehzore and another v. The State** reported in **2006 YLR 3167**, that for the purpose of bail lesser sentence is to be considered.

7. In view of above, it appears that learned counsel for the applicant/accused has made out a case for grant of post-arrest bail in view of subsection (2) of Section 497 Cr.P.C.

8. Accordingly, both captioned bail applications are allowed. The applicants/accused are admitted on post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees one

hundred thousand) each and P.R bond in the like amount to the satisfaction of trial court.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial court while deciding the case of either party at trial.

**J U D G E**

Abdul Salam/P.A