

269

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Crl. Bail Appln. No.S-572 of 2020
Crl. Bail Appln. No.S-582 of 2020
Crl. Bail Appln. No.S-597 of 2020
Crl. Bail Appln. No.S-622 of 2020

Date _____ Order with signature of Hon'ble Judge _____

Mr. Asif Ali Abdul Razak Soomro, advocate for the applicant in Cr. Bail Appln. No.S-572/2020.

Mr. Mohammad Ismail Chandio, advocate for the applicants in Cr. Bail Appln. No.S-597 and 622 of 2020.

M/s Ahmed Khan Bugti and Abid Hussain Qadri, advocates for the applicant in Cr. Bail Appln. No.S-582/2020.

Mr. Aitbar Ali Bullo, Deputy Prosecutor General, along with Investigating Officer Hanif Ahmed Sarki.

Date of Hearing : 12.04.2021.
Date of decision : 19.04.2021.

05

ORDER

Omar Sial, J.- On 27-8-2020 Inspector Hanif Ahmed Sarki registered F.I.R. No. GO-2 of 2020 under sections 409, 467, 468, 471, 477-A and 34, P.P.C. read with section 5(2) of the Prevention of Corruption Act, 1947 at the ACE Jacobabad Police Station. It was recorded in the said F.I.R. that in the period 2017 to 2018, bogus bills of Civil Hospital, Jacobabad in the aggregate amount of Rs.16,703,617/- were prepared and passed by Dr. Ghazanfar Ali Bugti (the medical superintendent of the time), Fazal Rehman Lashari (lab. technician), Abdul Fatah alias Abdul Sattar Mugheri (Head Clerk), Muhammad Bux Soomro (Accounts Clerk), Noor Mohammad Mugheri (Store Keeper), Amjad Ali Soomro (proprietor of Al-Hasnain Enterprises) and Tanveer Ahmed Brohi (proprietor Mir Asif and Tanveer Enterprises).

2. I have heard the learned counsels for the applicants as well as the learned Addl. P.G. After defying court orders for appearance on several occasions, the investigating officer of the case is also present.

3. At the very outset, the Court asked the investigating officer to apprise it of the evidence that he had collected during the investigation. I

am appalled that the investigating officer categorically and clearly stated that although he was the investigating officer of the case as well as the officer who filed the challan in the case, he had not collected a shred of evidence in the case; that he had not investigated or seized under a memo the bills which were ostensibly false and fabricated; that he had not checked the accounts of the hospital or seized or checked any registers to determine whether any money had been pilfered; that he had not investigated the role of any of the accused in the case; that he had not attempted to find a money trail which would show that any of the applicants was a beneficiary to the alleged embezzlement. Understandably, the learned D.P.G. was helpless to argue the matter in light of such disclosures by the investigating officer and the fact that there was nothing on the police file on the basis of which he could take a position. The investigating officer could offer no comment or reply to the queries put to him by the court or the learned D.P.G.

4. In view of the above, there appear to be no ground to deny the applicants the concession of bail. Accordingly, Fazal Rehman Lashari, Dr.Ghazanfar Ali Bugti, Abdul Fatah Mugheri and Muhammad Bux Soomro are admitted to post arrest bail subject to their furnishing solvent sureties in the amount of Rs.50,000/- each and a P.R. Bond in the like amount to the satisfaction of the learned trial court. Let a copy of this order be sent to the Chairman, Anti-Corruption as well as the Prosecutor-General, Sindh.


19/4/21
JUDGE