

ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Crl. Bail Appln. No. S- 362 and 363 of 2017.

Date of hearing

28.08.2017.

Order with signature of Judge

Messrs Asif Ali Abdul Razak Soomro and Shahab Sarki, Advocates
for the applicants.
Mr. Aijaz Mustafa Samtio, DDPP.

Omar Sial, J: Applicants Dr. Shah Baig Chandio and Dr. Javed Ali Shaikh have sought post arrest bail in Crime No. GO- 05 of 2017 registered under Sections 467, 468, 471, 161 and 34 PPC read with Section 5 (2) of the Prevention of Corruption Act-II, 1947.

Brief facts of the case are that on 2-8-2017 Inspector Qazi Sharafuddin on behalf of the State lodged the aforementioned FIR stating therein that in the year 2016 certain land of Civil Hospital, Larkana was illegally allotted by the Applicant Dr. Javed Ahmed Shaikh on 25-10-2016 to Applicant Shah Baig Chandio for setting up a canteen for doctors and patients. Applicant Shah Baig Chandio was permitted to engage a private contractor, namely, Anwer Ali Kambrani Chandio to run the canteen on certain terms and conditions.

I have heard the learned counsels for the Applicants as well as the learned DDPP and have also examined the record with their able assistance.

Upon a query by this Court as to what evidence does the prosecution have which would prima facie connect the Applicants with the offences for which they are charged, the learned DDPP categorically stated that apart from a statement made by Dr. Inayatullah Kandhro the present Medical Superintendent of the Hospital, the prosecution does not have any other evidence to implicate the Applicants. The learned DDPP was repeatedly asked whether he was sure of the statement which he was making and repeatedly the learned DDPP confirmed this. Upon further

query from the learned DDPP as to how, even based on the statement of Dr. Kandhro, offences under Sections 467, 468, 471 and 161 PPC are made out prima facie, the learned DDPP showed his inability to respond. Similarly, he has shown his inability to argue on whether the Anti-corruption law is even applicable to the Applicants.

In view of the categorical statements repeatedly made by the learned DDPP that the prosecution does not have any evidence against the Applicants to date, that would even prima facie connect the Applicants with the offence, the case of the Applicants warrants further enquiry.

Above are the reasons for my short order of 28.08.2017 in terms of which the Applicants were admitted to bail subject to their furnishing solvent sureties in the amount of Rs.100,000/- (One hundred thousand rupees) each ad P.R Bonds in the like amount subject to the satisfaction of the trial Court.


JUDGE 31/8/17

Ansari/*