HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-603 of 2026
[Naeem Ghouri vs. The State]

Applicant by	:	Mr. Aayatullah Khuwaja advocate
Complainant by	:	Nemo
State by	:	Ms. Rameshan Oad D.P.G a/w IO Inspector Dileep Kumar
Date of Hearing	:	**25.05.2026**
Date of Decision	:	**25.05.2026**

O R D E R

SYED FIAZ-UL-HASSAN SHAH, J:- The applicant has been booked in Crime No.39 of 2026, registered U/S 406, 420, 506 (ii) and 34 PPC at Police Station ACE, Town Mirpurkhas with the allegation that he along with co-accused took bribe money for enhancement of marks of the students and drew criminal conspiracy.

2. Counsel for the applicant contends that the applicant is simply a Government contractor as such he does not fall within the ambit of Section 21 PPC. He further contends that neither the applicant is nominated in the FIR nor he has been assigned any specific role, however, his name was inserted in challan on the alleged statement of co-accused Anwar Ali, Ex-Controller BISE, Mipurkhas. He also stated that as far as amount of Rs.22,97,990/- marked in the account of present applicant is concerned, the same was issued to him through cheque from official account of BISE duly signed by four persons on account of certain services delivered by the applicant being contractor. In support of his contention, he has placed on record copies of certain official correspondence with the statement (copy of which supplied to other side).

3. Learned D.P.G assisted by Investigation Officer contends that 74,000 forged and fabricated marks sheets were recovered from the possession of

principal accused Anwar, however, she concedes that co-accused peon Ghulam Hussain was arrested in some other crime, therefore, nothing was recovered from his possession.

4. Arguments heard and record perused.

5. It appears that the applicant is not nominated in FIR and his name was inserted in challan at the alleged statement of co-accused Anwar Aleem. It further transpires that a cross-cheque of Rs.22,97,990/- was signed by four signatories i.e Secretary BISE, Assistant Secretary BISE, Superintendent BISE and Assistant Clerk in favour of the present applicant and said amount was credited in favour of present applicant from the official account of BISE Mirpurkhas. The record also reflects that neither the prosecution alleged that the present applicant is involved in embezzlement of amount nor there is any indication that the cheque was given to the present applicant on account of some forgery or manipulation in the official record, therefore, for purpose of deciding present bail application, the case of prosecution to that extent is not to be considered, however, the Investigation Officer is at liberty to deal with the cheque in question to find out connectivity with the fake and forged marks sheets scam.

6. At present only the statement of co-accused Anwar Aleem is available against the present applicant that he is also involved in fake marks sheets scam by way of engineering and manipulation in the official record to increase numbers or give top positions to the students against taking bribe through peon Ghulam Hussain Rajar. In the present scenario the applicant is neither public servant nor has direct access to official record. The case of present applicant is one of the further enquiry falling outside the prohibitory clause of Section 497 Cr.P.C and in such circumstances grant of bail is rule while refusal is exception. The applicant has already been remanded to judicial custody after completion of police remand without any recovery and

he is no more required for further investigation. Hence, keeping him behind the bar will serve no fruitful result.

7. In view of the above discussion, the case of present applicant/accused has successfully made out a case for further inquiry. Accordingly, present bail application is allowed and the applicant/accused admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.5,00,000/- and P.R Bond in the like amount to the satisfaction of Additional Registrar of this Court. Applicant is directed cooperate in the investigation and/or join the trial, as the case may be.

8. Needless to mention here that observations made hereinabove are tentative in nature and the trial Court shall not be influenced while deciding the case on merit.

JUDGE

Sajjad Ali Jessar