

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS
Crl. Bail Application No.S-83 of 2025

Applicant: Fareed Ahmed s/o Abdul Kareem Shaikh,
Through Rana Raheel Mehmood Rajput, Advocate.

Respondent: The State.
Through Mr. Shahzad Saleem, Additional P.G

Complainant: Shafi s/o Mazharuddin Qureshi,
Through Mr. Shoaib, Advocate.

Date of hearing: 05.08.2025

Date of order: 05.08.2025

ORDER

Amjad Ali Sahito, J: Through this Bail Application, the applicant/accused seeks pre-arrest bail in F.I.R No.01/2024 for offences punishable under sections 409,420,467,468,471,161,218,219,34 P.P.C read with section 5(2), Act-II of 1947 registered at P.S Anti-Corruption Establishment, Mirpurkhas, after rejection of his bail plea by the learned trial Court vide order dated 24.03.2025.

2. The details and particulars of the F.I.R are already available in bail application and the F.I.R, as such, need not to reproduce the same hereunder.

3. Per learned counsel, the allegations against the applicant/ accused was that he being teacher was also working as General Secretary of *Madarsa Ghousia Taleem ul Quran* (Regd) in Satellite Town Mirpurkhas. Per learned counsel after coming to know about registration of instant F.I.R., the applicant/accused has resigned from such post and, as such, he is no more General Secretary of said *Madarsa*. Further, he submits that Anti-Corruption department has no jurisdiction in the instant matter; however, if the State or any person was aggrieved from the act of the applicant that he has encroached upon the Municipal land, then he may approach before Anti-Encroachment Tribunal rather register the F.I.R. He submits that applicant has joined the investigation and is no more required for further investigation. Lastly, he prayed for the confirmation of bail to the applicant / accused. In support of his contentions, he has filed copies of Final Challan,

Charge and judgment dated 01-01-2014 passed by Honourable Supreme Court of Pakistan in Civil Appeal No. 66-K to 72-K of 2013.

4. On the other hand, learned Additional P.G assisted by learned counsel for the complainant vehemently opposed for the grant of bail to the applicant/ accused and state that being teacher applicant was not allowed to do other business, but he has involved in illegal practice, as such, he is not entitled for concession of bail.

5. I.O, present in Court, states that infact this property was allotted in year 1962 for a *Madarsa* and subsequently it was cancelled and now it is State/Municipal property.

6. Heard and perused.

7. From perusal of record, it reflects that the allegation against the applicant was that he is school teacher in Mirpurkhas. He was illegally working as General Secretary of *Madarsa Ghousia Taleem ul Quran* (Regd) in Satellite Town Mirpurkhas, but subsequently he has resigned from his services. Presently he is working as teacher. Apparently, no case is made out against the applicant. Further, the property was allotted for a *Madarsa* and subsequently it was cancelled and it is the duty of the State/ concerned department to approach the competent forum for redressal of their grievance. The applicant has joined the investigation and he is no more required for the purpose of investigation. Learned counsel for the applicant also alleged malafide on the part of the complainant that due to dispute over plots, he has involved the applicant in this case otherwise he is innocent. The learned counsel for the applicant has made out a case for the grant of bail in terms of subsection (2) of section 497 Cr.P.C. Resultantly the instant bail application is allowed and the interim pre-arrest bail already granted to the applicant/ accused is hereby confirmed on the same terms and conditions.

7. The observations made in this decision are of a tentative nature and will not influence the merits of the case.

JUDGE