

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

Cr. Bail Application No. 1725 OF 2016

Order with signature of Judge

Ghulam Abbas.....Versus.....The State

Date of hearing 19.12.2016

Khawaja Saif ul Islam, Advocate for the applicant.

Sh. Liaqat Hussain, Standing Counsel

SIP Zahoor Ahmed, I.O. of the case.

Muhammad Ali Mazhar J. The applicant has applied for post arrest bail in crime No. 34 of 2013, lodged at Police Station F.I.A Crime Circle Karachi, under Sections 409/420/468/471/109 PPC r/w section 5(2) of Prevention of Corruption Act-II, 1947.

2. The concise facts of the case are that consequent upon enquiry No.38/2012 conducted by F.I.A, Crime Circle, it transpired that Government of Pakistan introduced to allow 25% freight subsidy as an incentive to the exporters for the export of new products and export to new markets. In order to claim the subsidy, a general policy was circulated with mechanism to deal the claims. The applicant is proprietor of M/s. Green Overseas who was

maintaining account No.055671-4 in the National Bank of Pakistan main branch since 2007. During investigation, it revealed that some fake e-forms were filed to claim subsidy and in pursuance thereof, a sum of Rs.20,154,018/- was allowed to the applicant against his claim. I.O present in court has also shown the money trail of proceed of alleged crime that a sum of Rs. 18,800,000/- was transferred through pay order to M/s. Panjtan Associates which account was being maintained by Mian Muhammad Tariq. After subtracting this amount, the applicant was found beneficiary of Rs.13,54,018/-.

3. Learned counsel argued that the applicant was granted interim bail by the learned trial court but on 24.11.2016 his bail application was dismissed and order of ad-interim pre-arrest bail dated 01.10.2013 was recalled. After his arrest, the same applicant filed another bail application but the same was also dismissed by the learned trial court on 29.11.2016. He further argued that 13 accused persons are already on bail while 03 accused are declared absconders and the applicant is in judicial custody. He further argued that under the Rule of consistency, the applicant is entitled for bail but without appreciating all relevant facts, learned trial court dismissed the bail application.

4. The I.O has tentatively determined the liability of the present applicant in the sum of Rs.13,54,018/-, therefore, he with the assistance of the learned Standing Counsel submits that if the applicant is willing to furnish tangible security equivalent to the aforesaid amount, then he will have no objection to the grant of bail. Learned counsel for the applicant agrees to furnish tangible security in the shape of original documents of flat situated in Gulshan-e-Iqbal, Karachi and according to the learned counsel, the present market value of the said flat is more than Rs. 40,00,000/- while the claim against the applicant is only Rs.13,54,018/-. It is further argued by the learned counsel for the applicant that even charge has not been framed by the learned trial court while FIR was lodged in the year 2013 and the trial will take considerable time as according to him there are more than 35 witnesses who are to be examined by the learned trial court. It has not been denied by I.O that 13 other accused persons are already on bail in the same crime and in my view the case of the present applicant requires further inquiry which is only possible when trial will commence and conclude and he is also entitled to bail keeping in mind the Rule of consistency.

5. Since learned Standing Counsel and I.O both have given their no objection, therefore, the applicant is granted bail subject to his furnishing solvent surety in the sum of

Rs.100,000/- (rupees one lac) and P.R bond in the like amount to the satisfaction of learned trial court. In addition thereto, the applicant will also furnish tangible security in the sum of Rs.13,54,018/- and deposit the original title documents of immovable property equivalent to the amount determined against the applicant. These documents will also be deposited in the trial court and the person who will deposit the tangible security will also submit Indemnity Bond in the trial court that in case the guilt of applicant is proved, then he will have no objection to sell this property by the F.I.A to recover the amount. Bail application is disposed of.

JUDGE

Aadil Arab