

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT HYDERABAD**

Cr. B.A. No. S- 1020 of 2017

DATED **ORDER WITH SIGNATURE OF JUDGE**

23.01.2018

For orders on office objection
For hearing

Mr. Ahmed Ali Jarwar, advocate for applicant
Mr. Shahzado Saleem Nahiyoon, D.P.G.

OMAR SIAL, J.- Through **Crl. Bail Appl. No. S-1020 of 2017**, the Applicant has sought pre-arrest bail in Crime No. 261 of 2017 registered under Section 466, 468, 473 and 474 P.P.C. at the A-Section police station Shaheed Benazirabad. Earlier his pre-arrest bail application was turned down by the learned Sessions Judge, Shaheed Benazirabad on 7-11-2017.

2. Through **Crl. Bail Appl. No. S-1021 of 2017**, the Applicant has sought pre-arrest bail in Crime No. 278 of 2017 registered under Section 420, 466, 468, 473 and 474 P.P.C. at the A-Section police station Shaheed Benazirabad. Earlier his pre-arrest bail application was turned down by the learned Sessions Judge, Shaheed Benazirabad on 7-11-2017.

3. Although both bail applications arise out of separate F.I.Rs but they are so interconnected as they essentially arise from the same transaction hence, I intend to dispose of both the application by this common order.

4. Brief facts of the case in **Crl. Bail Appl. No. S-1020 of 2017** are that on **25-8-2017**, one Faheem Ahmed Bhambro lodged the aforementioned FIR stating therein that he is the Reader of the learned Family Judge and Judicial Magistrate in Nawabshah. On 19-8-2017, he along with one Sajid Ali, who is a clerk in the same court, were present when an unknown person came for verification of a Guardianship Certificate ostensibly issued by the learned Court. It was discovered that the Guardianship Certificate was a forged one. According to the complainant the forged Guardianship Certificate had been managed by one Mohammad Ramzan Dahri and the unknown person who had come for the verification. He therefore registered a **F.I.R. No. 261 of 2017**.

5. Facts of the case in **Crl. Bail Appl. No. S-1021 of 2017** are that Mohammad Ramzan Dahri (the main accused in F.I.R. No. 261 of 2017) lodged a report with the police stating therein that he wanted to sell a plot of land which was in the name of his son Hasnain for which purpose he required a Guardianship Certificate and for this purpose he approached the Applicant (who is a lawyer). The Applicant had the requisite paperwork done and subsequently handed over a Guardianship Certificate to the complainant. The complainant was informed by his estate agent that the Certificate looked suspicious and asked him to have the same verified. The complainant went back to the Applicant for this purpose and was told that the Applicant would have it verified. Later the complainant got to know that a F.I.R. had been registered against him (being F.I.R. 261 of 2017). He therefore registered a **F.I.R. No. 278 of 2017** against the complainant on 11-9-2017.

6. I have heard the learned counsel for the Applicant and the learned APG and also perused the available record with their able assistance. My observations are as follows.

7. The present Applicant was not nominated in **F.I.R. No. 261 of 2017**. He was apparently the "*unidentified*" person who had come to get the Guardianship Certificate verified. His name was included in the investigation on the statement of co-accused Mohammad Ramzan Dahri. No identification parade was held for the complainant to identify that the Applicant was indeed the person who had come for the verification. It also seems strange that while the Applicant is a practicing advocate in the same courts where the offence is said to have occurred, none from the court staff recognized him at the time he allegedly came to have the Certificate verified and included his name in the F.I.R. Further, coming to have the Certificate verified would not ipso facto mean that it was the Applicant who has committed the offences.

8. Co-accused Muhammad Ramzan Dahri, who was nominated in **F.I.R. No. 261 of 2017** as the person who had managed the forged Guardianship Certificate has been granted bail by the learned trial court in that crime. The rule of consistency works in favor of the Applicant in this crime.

9. The learned counsel for the Applicant has argued that the sole purpose of implicating the Applicant in F.I.R. 261 of 2017 was that the co-accused Muhammad Ramzan Dahri wanted to save himself from that F.I.R and that can be evidenced from the fact that more than a month later, he registered F.I.R. No.

278 of 2017 against the applicant . In my opinion, ulterior motive on the part of the co-accused Mohammad Ramzan Dahri cannot be conclusively ruled out at this stage.

10. Investigation is complete and all the requisite documents are with the prosecution. There is therefore no threat of the Applicant tampering with the evidence.

11. All the offences with which the Applicant is charged in both F.I.Rs fall within the non-prohibitory clause of Section 497 Cr.P.C. and keeping the evidence on record at this stage it appears to me that this is a case of further enquiry falling within the ambit of section 497(2) Cr.P.C.

12. Above are the reasons for my short order dated 23-1-2018 in terms of which the interim pre-arrest bail of the Applicant in Crl. Bail App No. S-1020 of 2017 and Crl. Bail App No. S-1021 of 2017 were confirmed on the same terms and conditions as those upon which he was granted interim pre-arrest bail on 20-11-2017.

JUDGE

karar_hussain /PS*