

**IN THE HIGH COURT OF SINDH AT
KARACHI**

Cr. Bail Appln.No.449/2017

Applicant/accused : Syed Asad Raza, through Mr.Javed Sattar, Advocate.

Respondent : The State through Mr. Ali Hyder Saleem APG, assisted by Mr. Mehboob Lakhani, for the Complainant

Date of hearing
And Order : 05.12.2017

YOUSUF ALI SAYEED, J. This Application for Pre-Arrest Bail has been filed in relation to FIR No.45/2017 registered on 28.02.2017 at P.S. Tipu Sultan, Karachi (the "**FIR**"). The Applicant was admitted to inter pre-arrest bail vide Order dated 07.042017.

2. From what is disclosed in the FIR, it appears that the Applicant was apparently employed as National Sales Manager by an oil marketing company, and the allegation against him is that in that capacity, between February and December 2016, he colluded with one Jahanzaib Qazi, a sales representative, to cheat and defraud the company by executing sales transactions in favour of one Muhammad Naeem, who it is said was not a customer of the Company. It is also said that transactions were executed in favour of fictitious customers on terms contrary to the sales policy, dummy customer business codes were created, and certain cheques issued in the name of the company were either concealed or unauthorisedly returned.

3. Learning counsel for the applicant submitted that the Applicant was innocent and had been falsely implicated in the FIR for ulterior motives. He submitted that there was a considerable delay between the time that the supposedly unsanctioned transactions were said to have taken place and the filing of the FIR, and that, even otherwise, a broad based fraud, as alleged, could not have been perpetrated by sales personnel without the complicity of persons in the other departments. It was also pointed out that co-accused, Jahanzaib Qazi, had also already been granted bail by this Court in Criminal Bail Application No.452 of 2017.

4. On query posed, the learned APG submitted that investigation had already been concluded, final challan presented, charge framed, and trial was underway. Furthermore, it was conceded by the learned APG as well as counsel for the Complainant that Applicant had been appearing regularly before the trial Court and had not abused the concession of interim pre-arrest bail in any way. Furthermore, it was also conceded that no steps have been taken to date for assailing or seeking cancellation of post arrest bail granted under similar circumstances to the co-accused in respect of the same FIR.

5. As such, in light of the foregoing and in view of the rule of consistency as well as the principle laid down by the Honourable Supreme Court in the case reported as Muhammad Ramzan v. Zafarullah & another 1986 SCMR 1380, interim pre-arrest bail granted to the applicant is hereby confirmed subject to furnishing solvent surety in the sum of Rs.350,000/- and execution of P.R. Bond in like amount to the satisfaction of the Nazir of this Court, being the same terms on which the concession of bail was extended to aforementioned co-accused.

JUDGE