

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD  
Criminal Bail Application No.S-892 of 2020

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DATE

ORDER WITH SIGNATURE OF JUDGE

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For orders on office objection.  
For hearing of main case.

08.03.2021.

Mr. Mohammad Jamil Ahmed, Advocate along with applicant.  
Ms. Safa Hisbani, A.P.G for the State.  
Mr. Kamaluddin, advocate for complainant.

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**ORDER**

**Irshad Ali Shah J:-** The applicant being employee of Qaid-e-Awam University Nawabshah is alleged to have misused the official vehicle consequently an FIR for an offence punishable u/s 409 PPC was lodged against him at PS Taluka Nawabshah.

2. On registration of such FIR, the applicant sought for pre-arrest bail, but his bail application was dismissed for non-prosecution by learned 3<sup>rd</sup> Additional Sessions Judge, Shaheed Benazirabad. Consequently, he by way of instant application u/s 498 Cr.P.C has sought for the same from this Court.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely; the applicant even otherwise, now has retired and he has to return the official vehicle to his department; the offence alleged against the applicant is not falling within prohibitory clause; therefore, the applicant is entitled to grant of pre-arrest bail.

4. Learned A.P.G for the and learned counsel for the complainant have opposed to grant of the pre arrest bail to the applicant by

contending that the applicant has to repeat bail application before learned trial Court for its disposal on merit or before Special Court Anti-corruption (P) at Sukkur, which is expected to take cognizance of the incident.

5. I have considered the above arguments and perused the record.

6. Admittedly, the applicant is a public servant. The offence of criminal breach of trust is to be taken care by the Special Court Anti-Corruption (P) at Sukkur, which it is expected to take cognizance of the incident. The retirement of the applicant from public service, if any, may hardly be having bearing on the fate of the case. If, for any reason, the Special Court Anti-Corruption (P) at Sukkur is not going to take cognizance of the incident then the applicant has to repeat his bail application before learned Sessions Judge at Shaheed Benazirabad for its disposal on merit. The dismissal of the bail application of the applicant for non-prosecution could hardly make him entitled to come before this Court for pre-arrest bail.

7. Consequent upon above discussion, the instant bail application being misconceived is dismissed accordingly.

**JUDGE**