

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1067 of 2018

Date Order with signature of Judge

For hearing of bail application

14.12.2018

Mr. Muhammad Nizar Tanoli, Advocate a/w applicant.

Ms. Seema Zaidi, DPG a/w Muhammad Farooq, Assistant Director, Anti-corruption.

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F.I.R. bearing no. 7 of 2018 was registered against the applicant Nizam-uddin under sections 217, 218 and 420 P.P.C. read with section 5(2) of the Prevention of Corruption Act, 1947 at the A.C.E. police station. Nizamuddin applied for pre-arrest bail to the learned Special Judge, Anti-Corruption (Provincial) Karachi who dismissed the same on 4-8-2018.

The allegation against Nizamuddin is that he is an A.S.I. in police but that he had submitted a few challans in courts in which he had written his designation as S.I. instead of A.S.I.

I have heard the learned counsel for the applicant as well as the learned D.P.G. and the officer representing the Anti-Corruption Establishment. My observations are as follows.

All sections under which the applicant is charged (except that under section 5(2) of the Prevention of Corruption Act, 1947) are bailable. As far as section 5(2) of the Act is concerned, prima facie the allegation against the applicant is not falling within the ambit of criminal misconduct as defined in this section. Of course a final determination regarding this can only be made by the learned trial court after evidence is led.

The argument of the learned counsel for the applicant that the applicant is indeed an S.I. in police and that he was falsely implicated in this case due to professional rivalry within the department cannot be conclusively ruled out at this stage.

The officer representing A.C.E. confirms that the applicant has been regularly attending the hearings at trial and that no further investigation is required as the proof against the applicant is documentary.

Above are the reasons for the short order of 12-12-2018 in terms of which the interim pre-arrest bail given to the applicant on 6-8-2018 was confirmed on the same terms and conditions.

JUDGE