

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-377 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objections.
2. For hearing of main case.

19.09.2022.

Mr. Mian Taj Muhammad Keerio, Advocate alongwith applicant on ad-interim pre-arrest bail.

Mr. Ghulam Abbas Sangi, Assistant Attorney General a/w Tariq Aziz SHO / I.O P.S FIA Hyderabad.

O R D E R

MUHAMMAD IQBAL KALHORO, J- A complaint by an individual with Federal Investigation Agency, Hyderabad, of being scammed of his money by applicant and co-accused Ahsan Naqvi through a fake website-company known as Capital Growth Management and Trade Master, led to an inquiry, in which mobile phones and other articles belonging to the applicant were seized and subjected to examination.

2. Both the companies run by applicant and co-accused were found fake, not registered with Security Exchange Commission of Pakistan. The modus operandi allegedly employed by the applicant and co-accused to attract attention was identified: to hold seminars in different hotels where they would claim to own multiple companies and invite people to invest in them in return of huge profits. And, to hoodwink the people present in the seminars, they would give the key of cars to their own persons pretending them to have won them. It was also found that they would make fake accounts of the investors on the website with a figure of fake investment and profit but when real people, being enticed, would invest through the said websites and the amount would accumulate to a considerable level, they would turn the websites' domain off and run away. Role of applicant has been identified in detail in challan which shows that he used to maintain several bank accounts and total transaction in his accounts amounted to Rs.20

Millions in the relevant period. Previously, he was found to have worked as an employee of Bank Al-Fallah for only six months with a salary of Rs.90,000/- per month. The entire money reflected in his accounts, he had accumulated allegedly in deceiving the people in the name of huge profits by investment. Further, technical analysis of his phone led to discovery of Super Admin Excess of website namely www.trademaster.biz, which was being used to dupe the victims into making investment. Record of presentations of Capital Growth held to attract investments, pictures of seminars etc. were also recovered from his mobile phone, besides his travel record of regular foreign trips un-matched with his income.

3. Learned Defence Counsel has stated that there is no evidence of any victim giving money to applicant directly. The alleged victims had given money to co-accused Ahsan Naqvi who is the main accused and the applicant has nothing to do with the alleged commission of offence. Applicant is innocent and has been falsely implicated in this case without there being any material against him. Learned Assistant Attorney General and I.O of the case have opposed bail to him pointing out to material collected in investigation against him.

4. The ground taken in defence that there is no direct evidence of any victim giving money to the applicant is not relevant here. For, the applicant is said to be expert in computer and digital devices, and as per statement of the I.O, is said to mastermind behind creating fake web-companies through which the victims were enticed to make investment in the hope of making profits. He is also said to be the force behind arranging and holding seminars in different reputed hotels to use them as a subterfuge for deceiving people. In the investigation, record of transaction of Rs.20 Million in the bank accounts of applicant has been collected, besides record of his foreign travels and the availability of Super Admin Excess of the website used in commission of the crime. The said record, part of the present case, shows that there are reasonable grounds to believe that applicant has committed the alleged offence. Therefore, he does not appear to be entitled to the concession of bail. However, it has been informed that in the case

the challan has been submitted and the case is ripe for trial. Therefore, while dismissing this application I direct the trial Court to examine the material witnesses within a period of three weeks after which the applicant would be at liberty to file a fresh bail application before the trial Court, which if filed shall be decided on its own merits in accordance with law.

5. The bail application is disposed of and the observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

JUDGE

Shahid