

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No. 784 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

11th June, 2022

Mr. Shamshad Ali Qureshi, Advocate for applicant.

Mr. Talib Ali Memon, APG.

Complainant present in person.

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Omar Sial, J: Daniyal Shahid has sought post arrest bail in FIR No. 145 of 2021 registered under sections 420, 468, 471 and 34 P.P.C at the City Court Police Station. Earlier, his application seeking bail was dismissed by the 2nd Additional Sessions Judge at Karachi South vide Order dated 24.2.2022.

2. The FIR was registered on 5.11.2021 by the complainant Abdul Latif. Latif reported that he is working as a COC in the court of the 1st Additional District Judge at Karachi West. On 27.10.2021, the applicant appeared with his Advocate Saqib Nawab in the court of the 1st ADJ Karachi West to submit a surety in a bail that had been granted by the learned Court. The document that was furnished as surety comprised of title documents of a car bearing registration number CV 9462. However, on verification by the Excise and Taxation Department the said title documents were found to be fake.

3. I have heard the learned counsel for the applicant, the learned APG as well as the complainant in person. My observations and findings are as follows.

4. It appears that there is an agreement of sale dated 14.06.2021 which prima facie shows that the vehicle in question was purchased by the applicant from one Ghulam Mohiyuddin. The vehicle documents which subsequently turned out to be fake are also on record. Further there is also a copy of a document from the internet record of the Motor Vehicle Registration department which also shows the record of the vehicle as well as the fact that it is owned by Ghulam Mohiyuddin. Prima facie this does not appear to be a fake or a false record.

5. In view of the foregoing, it is yet to be seen conclusively whether the record of the vehicle was indeed fake and if it was then as to whether the applicant himself is a victim of a fraud. These aspects will have to be determined after the evidence is led at trial. Further, offences under section 420 and 471 are bailable offences. Whereas, an offence under section 468 is a non bailable offence, it carries a potential sentence of seven years and falls within the non-prohibitory clause of section 497 Cr.P.C.

6. Keeping in view the principles of Tariq Bashir v 5 others and the state, PLD 1995 SC 34, I see no exceptional or extraordinary circumstances to deny the applicant bail. Above are the reasons for the short order dated 20.05.2022.

JUDGE