

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 337 of 2023

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Date of hearing	Order with signature of Judge
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1. For orders on office objection at Flag-A
2. For hearing of bail application

27.11.2023

M/s Mumtaz Ali Panhwar and Ghulam Ali Abbasi, Advocates for applicant along with applicant.

Mr. Shafi Muhammad Mahar, Deputy Prosecutor General along with Inspector Abdul Hameed Mughal of Anti-Corruption Establishment, Sukkur and Sub-Inspector Misri Khan of Anti-Corruption Establishment, Ghotki.

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Muhammad Iqbal Kalhoro, J. – Applicant was Assistant in Sindh Seed Corporation, and posted as Farm Manager, BSF-SSC Sethraja and BSF-SSC Kotdiji, District Khairpur. He is alleged to have misappropriated 50% share of seasonal crop of wheat and 50% share of cotton crop cultivated / reaped on government farms in collusion with peasants / *haris* who have already been granted bail. Total amount of misappropriation alleged against him is Rs.1,74,85,225/- (*Rupees one crore seventy four lac eighty five thousand two hundred twenty five*) in FIR No.03/2022 of Police Station ACE, Khairpur. In FIR No.04/2022 of Police Station ACE, Ghotki, he is alleged to have misappropriated crop production amounting to Rs.33,95,800/- (*Rupees thirty three lac ninety five thousand eight hundred*) including cost of 16 sissoo (شیشم) trees allegedly sold by him. Total misappropriated amount in both FIRs is Rs.2,08,81,025/- (*Rupees two crore eight lac eighty one thousand and twenty five*).

2. I have heard both the parties. The investigation appears to be sketchy as both the Investigating Officers, who are present, have failed to satisfy the Court about the course of investigation except producing some figures of misappropriation allegedly committed by applicant that are based mainly on assumptions. The aspect of money trail has not been investigated by them either. There is no record as to in what and which manner, the whole exercise culminating at misappropriation was carried out by the applicant. The gist of allegations is that he had sold out the produce to

private persons, but those private persons have not been examined or approached. *Prima facie* no tangible evidence is found as to what amount was received by him and how it was distributed. The bank accounts of the applicant have not been examined either to confirm the money received by him. The value of production cultivated / reaped on the government farms to determine misappropriated amount has been based on assumptions of last years' productions. But there is no evidence *prima facie* quantifying previous years' productions and the profits received from them by the government for comparison and to support the allegations. Yet, learned DPG has opposed these applications, but has not been able to point out any evidence except the letter of Aijaz Ali Pathan, Managing Director of Sindh Seed Corporation, Hyderabad making such figures, against whose brother-in-law, namely Abdul Maroof, who was a contingent employee / Member Farm Committee (a person nominated by Managing Director, Sindh Seed Corporation), the applicant had already made a complainant. Therefore, his false implication cannot be ruled out either in such circumstances, and the case therefore against him appears to be but one of further enquiry.

3. Accordingly, both the bail applications are **allowed**, and ad-interim pre-arrest bail already granted to applicant, vide orders dated 24.05.2023, is hereby **confirmed** on the same terms and conditions.

4. The observations, as above, are tentative in nature and not meant to affect merits of the case before the trial Court.

The bail applications stand **disposed of** in the above terms. Office to place a signed copy of this order in the captioned connected matter.