

ORDER SHEET

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

**Cr. Bail App. No. S – 848 of 2023**

Date of hearing	Order with signature of Judge
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1. For orders on office objections at Flag-A
2. For orders on MA No.7184/2023
3. For hearing of bail application

**15.01.2024**

Mr. Rehmat Ali Shaikh, Advocate for applicant.  
Mr. Saeed Jamal Lund, Advocate for complainant.  
Mr. Aftab Ahmed Shar, Additional Prosecutor General along  
with ASI Datar Dino, IO of Police Station Bozdar.

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**Muhammad Iqbal Kalhoro, J.** – Applicant, accused in FIR No.01 of 2023 U/S 506/2, 420, 406, 468 PPC, filed Cr. Bail App. No. S-593 of 2023 for pre-arrest. Allegation against him in FIR is that on the pretext of providing a government job to a son of complainant, he deceived the latter into giving him Rs.15,00,000/-. Thereafter, neither he returned the money to him, nor provided a job to his son. When complainant demanded the money, an order of Junior Clerk for his son was given to him, which on enquiry was found fake. Complainant then demanded his money back but in vain. Hence, FIR.

2. The abovementioned application, when both applicant and his Counsel were absent, was dismissed vide order 02.10.2023 on consideration of merits. Thereafter, applicant filed a second Cr. Bail App. No. S-728 of 2023 purportedly on a fresh ground of co-accused Sarfaraz having been granted bail by the trial Court meanwhile. That application too was dismissed vide order dated 27.10.2023. Applicant thereafter, filed a Crl. Petition 1279/2023 before the Supreme Court, and the Supreme Court disposing of the same on 13.11.2023 allowed petitioner to file a fresh bail application before this Court, and to explain first his reason for absence on 02.10.2023 when his first bail application viz. Cr. Bail App. No. S-593 of 2023 was dismissed, and this Court, if satisfied with such explanation, proceed to deal with merits of the case, hence this application.

3. I have heard learned defence Counsel, who submits that due to mistake in hearing the date of hearing viz. 02.10.2023, applicant and his Counsel did not appear. Although such ground, to justify absence of applicant and his Counsel on 02.10.2023, is not

satisfactory per se, nonetheless in order to serve the interest of justice, I have proceeded to hear the case on merits.

4. Learned defence Counsel in arguments has simply denied allegations against applicant and submits that co-accused in fact had received money from complainant and not the applicant, and the applicant himself is a victim of their shenanigans as he had given money to them for his job also.

5. Learned Counsel for complainant and Additional Prosecutor General on the other hand have opposed bail. Complainant himself and IO are present in person. Complainant has categorically stated that he had given money to applicant for a job to his son, and who when pressed for result, provided him a fake order of appointment of his son. IO submits that in investigation, applicant was found to be the real culprit, who had assured complainant of providing his son a government job and obtained Rs.15,00,000/- from him. IO further submits that against applicant as many as five similar cases have been registered by different persons.

6. Be that as it may, as far as allegations in this case are concerned, in the investigation, the same have been *prima facie* found correct. Mere denial by the applicant that he had not received the money does not absolve him of alleged charge and entitle him to the extra ordinary concession of pre-arrest bail, which is extended to an accused only when material *prima facie* shows that he has been implicated in the case of non-bailable offence, requiring his arrest, by the complainant or police, out of *mala fide* or ulterior motives. Hence, I do not find applicant entitle for pre-arrest bail.

7. Accordingly, this bail application is **dismissed** and ad-interim pre-arrest bail earlier granted to applicant by this Court vide order dated 22.11.2023 is hereby recalled.

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

The bail application stands **disposed of** in the above terms.

J U D G E