

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1021 of 2023

Applicant : Abdul Naeem S/o Abdul Shakoor Khan
Through Mr. Abdul Qadir, Advocate

Respondent : The State
Through Mr. Abrar Ali Khichi, Addl.
Prosecutor General, Sindh a/w Javed
Iqbal Shaikh, Technical Officer, ACE
and I.O. Imtiaz Ali Channa

Date of hearing : 31.08.2023

Date of order : 31.08.2023

ORDER

AMJAD ALI SAHITO, J -- Through this bail application, the applicant/accused seeks pre-arrest bail in Crime No.03/2023 registered under Sections 161, 420, 409, 467, 468, 34 PPC R/w Section 5(2) Act-II of 1947 at PS ACE West, after his bail plea has been declined by the Special Judge, Anti Corruption (Provincial), Karachi vide order dated 19.04.2023.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel, the applicant is innocent and has falsely been implicated in this case; that after issuance of work completion certificate, the payment was made, however, after a delay of seven years, the instant FIR has been registered, as such, there is no outstanding against the applicant/accused and approximate amount of Rs.200,000/- claimed by the complainant is baseless. He lastly prays for confirmation of bail.

4. On the other hand, learned Addl. P.G. raises no objection on the ground that co-accused have also been granted bail in this case.

5. I have heard the learned counsel for the parties and perused the material available on record.

6. Admittedly, with a delay of seven years the instant FIR has been registered for which no plausible explanation was given by them. Further, it is yet to be determined at trial as to whether the applicant has completed the construction work or not as given by him. In such situation and in view of no objection raised by learned Addl. P.G., the instant bail application is allowed. The interim pre-arrest bail granted to the applicant vide order dated 12.05.2023 is hereby confirmed on same terms and condition. The applicant is directed to attend the trial as and when required. However, it is made clear that if the applicant misuses the concession of bail, learned trial Court would be at liberty to take appropriate action.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants/accused on merits.

JUDGE

Kamran/PA