

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No. 994 of 2024

<i>Date</i>	<i>Order with signature of Judge</i>
Applicant:	Zulfiqar Ali Alwani son of Sher Ali, through Mr. Rasheed Ashraf, Advocate.
The State:	Through Mr. Muhammad Ahmed, Assistant Attorney General for Pakistan.
Date of hearing:	21.05.2024 & 29.05.2024.
Date of order:	29.05.2024.

ORDER

Muhammad Saleem Jessar, J:- Through this bail application, applicant Zulfiqar Alwani seeks his release on post arrest bail in Crime No.08 of 2024 of P.S FIA, AML/CFT Circle, under Section 3/4 AML Act, 2010 (amended in 2020). The case has been challaned by the police which is now pending for trial before the Court of 5th Addl. Sessions Judge, Karachi (Central), wherein co-accused have also been admitted to bail. The bail plea preferred by accused before trial Court was declined by means of order dated 06.05.2024, hence this application has been maintained.

2. Since the facts of the prosecution case are already mentioned in the FIR, which is annexed with the Court file, therefore, there is no need to reproduce the same.

3. The main contention of learned counsel for the applicant is that instant case is offshoot of main Crime No.07 of 2023 registered with P.S FIA, CBC, Karachi for offences under Section 4/5/23 FER Act, 1947 read with Section 109 PPC in which applicant as well as co-accused were granted post arrest bail by the trial Court on 17.05.2023. He further submits that since the applicant was forced by the FIA to grease their palms, which he could not, hence, they implicated him in instant case, which is offshoot of main crime, in which applicant as well as co-accused have been bailed out. Next submits that co-accused Muhammad Umair and Sikandar Ali have also been

granted post arrest bail by the trial Court in subsequent offshoot cases by way of orders dated 30.04.2024. As far as, show cause notice as contended by learned Assistant Attorney General on the last date of hearing, is concerned, he submits that applicant has also submitted his reply to show cause notice, a copy of which has also been annexed with the statement of today. He places on record a set of documents, including reply to show cause notice, through his statement dated 29.05.2024, taken on record. He, therefore, submits that applicant may be enlarged on bail.

4. On the other hand, learned Assistant Attorney General for Pakistan opposes the bail application on the ground that property shown by the applicant has already been disclosed in the return of FBR; however, electricity bills were not provided, therefore, he has been arrayed in this case as accused.

5. **Heard arguments, record perused.** Since, it is an offshoot case of main crime No.07 of 2023 in which applicant as well as co-accused have been bailed out by the trial Court and nothing incriminating has been shown recovered from the possession of applicant or at his pointation which may connect the applicant with commission of alleged offence. As far as, acquired property is concerned, same is yet to be established by the prosecution through documentary evidence, which is in custody of prosecution itself, therefore, question of tampering with evidence or absconding away, does not arise. Moreover, applicant as well as co-accused have been granted bail in main case and it being offshoot of the same, applicant deserves to be enlarged on bail. As far as, charge of main case is concerned, applicant was roped in, upon the statement of co-accused Muhammad Umair and Sikandar Ali on the pretext that their illegal business was being supervised by the applicant and nothing incriminating in shape of currency either national or foreign was shown to have been recovered from him which may connect the applicant with commission of alleged offence.

In the circumstances and in view of dicta laid down by learned Benches of Lahore High Court as well as Peshawar High Court in cases of *RAFIULLAH Versus The STATE and another (2019 P.Cr.L.J 1608)* and *ZAHEER ULLAH Versus The STATE (2015 P.Cr.L.J 1048)*, case against applicant

requires further inquiry within meaning of subsection (2) to section 497 Cr.P.C. Consequently, instant bail application is hereby allowed. Applicant **Zulfiqar Alwani son of Sher Ali**, shall be released on bail subject to furnishing his solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousands Only) and PR Bond in the like amount to the satisfaction of learned trial Court.

6. It may be pertinent to mention here that the observation(s) made hereinabove is/are tentative in nature and shall not prejudice the case of either party during trial. However, if the applicant is found misusing the concession of bail, learned trial Court may proceed against him.

7. This Criminal Bail Application is disposed of in the terms indicated above.

JUDGE

Zulfiqar/P.A