

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr.B.A. No. 1476 of 2022

Date	Order with signature of Judge
------	-------------------------------

1. For Orders on MA No.8984/2022.
2. For hearing of application.

21st December 2022

Syed Ehsan Raza Advocate for applicant/accused.
Mr. Shahid Khan, Law Officer, Pakistan Railway.

-x-x-x-x-

Through instant bail application, the applicant seeks post arrest bail in FIR No.26/2022, registered at P.S. Railway Police Cantt., Karachi for offence under Sections 409/420/34 PPC R/w Section 5(2)/47 PCA.

2. Applicant has been arraigned by the railway authority on the allegation that he misappropriated huge sum of railway booking particularly canceled tickets of passengers and caused damaged to the railway department. Finding of inquiry report are that:

“A) Mr. Shehzad has committed a serious crime of misappropriation that only led him to Incur the damage on himself, but also created huge debit to be returned to Pakistan Railways, he may be awarded major penalty after the recovey of debit or otherwise.

B) The summaries reports of last three months assembled by CMI/P attached who the approximate amount to be debited. The approximate amount being shown is according to 100% debit, as most of the tickets are missing, however, since the employee has refunded passengers as well (90/10% formula), the record me be reconciled by the team of experts to decide if 100% debit would be done or 90% in this particular case, which is one of its kind.

C) Mr. Asghar, who was in charge to check the summaries could not perform his job diligently, and kept throwing it on MR. Aftab. Similarly, Shah Muhammad, concerned CSR (B) who joined on March 2022 onwards, handed over the record to Miss Afroz Fatima, RS DID station, without informing his concerned in charge, and the same record was not checked by Miss Afroz keeping in pending for days without obvious reasons, due to which the above mentioned cases were not detected on time. This shows their non-serious attitude towards their obligations and job description, hence, they may be awarded minor penalties, and whatsoever is the debit, it may be recovered from all of them so that other showing laxity in their job would learn”.

3. Perusal of above findings reveals that amount received from most the passengers are refunded by the Applicant. Beside role of the companion Asghar is of similar manner but yet he has not been arraigned in the present case. At this juncture, Law Officer of Pakistan Railway contends that his probe is under process and all delinquents will be brought before the competent court.

4. Under these circumstances, when Applicant is behind the bar since April 2022 and yet investigation is to be carried out and responsibility is to be fixed on other delinquent officials, hence, this is case of further inquiry. Accordingly, applicant is admitted on post arrest bail in the sum of Rs.1,00,000/- [Rupees One lac only] with P.R. bonds in the like amount to the satisfaction of the trial Court. Needless to mention after final inquiry report railway authority would be at liberty to move application for cancellation of bail before the trial court and trial court on the basis of available record would be competent to decide the fate of that application without being influence of order passed by this court.

5. Needless to mention that the above observations are purely tentative in nature and would not prejudice to the merits of case.

J U D G E