

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
Cr.B.A. No. 152 of 2020

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Date	Order with signature of Judge
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For hearing of application.

03<sup>rd</sup> April 2020

Mr. Muhammad Naseer, Advocate for applicant/accused.  
Mr. Irfan A. Memon, DAG alongwith Shakeel Ahmed, Legal Assistant,  
Estate Office, Government of Pakistan and Habib-ur-Rehman, I.O/Sub  
Inspector FIA.

-x-x-x-x-

Through instant bail application, the applicant seeks bail in FIR No.08/2019, registered at P.S. FIA, Anti-Corruption, Karachi for offence under Sections 420, 467, 468, 471 and 109 PPC.

2. Brief facts of the prosecution case are that on the joint complaint of Qutbuddin and others, FIA Anti-Corruption conducted an inquiry No. 37/2017 wherein it is stated that quarter No. F-79, situated at Jamshed Road Karachi was allotted to one Kamal Khan, UDC of economic Karachi in the year 1970, who stood retired in the year 1982 and allotment of such quarter was cancelled in 1983. After lapse of 34 years two sons of Kamal Khan namely Rizwan and Ubaid in collusion with builder namely Khurram demolished the said quarter and raised multistory building, which was sold by accused Rizwan to one Farzana showing himself lawful owner of the said quarter, hence, FIR under Sections 420, 467, 468, 471 and 109 PPC was lodged against the applicant/accused.

2. Heard counsel, perused the record.

3. Admittedly, offence is not falling within the prohibitory clause, hence, in view of Tariq Bashir case (PLD 1995 SC 34), bail in the offences which are not falling within the prohibitory clause is a right unless it is *prima facie* shows that there is apprehension that the applicant would repeat the offence, will abscond or will tamper with the prosecution evidence; all three *exceptions* are not taken by the prosecution. Accordingly, applicant is admitted on bail in the sum of Rs.100,000/- with P.R. bonds in the like amount to the satisfaction of the trial Court.

4. 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

SAJID