

ORDER-SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA  
Crl. Bail Appln. No. S- 423 of 2015.

Date of hearing	Order with signature of Judge
14.10.2015.	

For Hearing.

Mr. Asif Ali Abdul Razzak Soomro, Advocate for applicants.  
Mr. Khadim Hussain Khooharo, D.P.G.

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Through instant application, applicants Kaniya Lal and Taj Muhammad seek post arrest bail in Crime No.04/2015, P.S A.C.E, Shikarpur, registered for offences punishable under Sections 161, 409, 34 P.P.C read with Section 5 (2) of the Prevention of Corruption Act-II of 1947.

Precisely, it is alleged that twelve equipments viz. Vikor Neonatal Resuscitation Trolley, ICU Ventilator, Mobile X-Rays Unit, Infusion Pump, Suction Unit, Ultrasound Unit, Emergency Trolley, O.T Monitor, Central Monitory System, Blood Warmer, Blood Gas Analyzer and Advance Clinical Photometer were supplied from Health Department for ICU Ward at RBUT Hospital, Shikarpur; however three equipments viz. blood warmer amount to Rs.100,000/-, blood Gas Analy7zer Rs.999,500/- and Advance Clinical Photometer amounting to Rs.425,000/- were missing and misappropriated by accused Kanya Lal Store Keeper Medicines, Hadi Bu Soomro Store Keeper, Taj Muhammad Laboratory Incharge and others.

It is surfaced that inquiry was conducted, wherein it is observed that *"after thorough analysis of the matter, the enquiry committee has finally agreed of the view that the whole instance occurred due to professional negligence of the administration. The misappropriation made by two persons, i.e. Mr. Hadi Bux Soomro, Ex-Store Keeper RBUT Hospital, Shikarpur and Mr. Kanya Lal who plot to made false entries in the dead-stock register. Actually the*





*missing equipments, i.e. Blood Warmer, Blood Gas Analyzer and Advanced Clinical Photometer were not issued to the Laboratory. These two persons are the main forgers who did this misappropriation of the precious items. They should strictly be punished for this alleged fabrication and should also be forced to produce the missing equipments".*

Since post arrest bail on behalf of applicant Kaniya Lal was filed on medical ground, thus he was referred to medical board. Such report is available on record. Opinion of the board is as under:

"The Special Medical Boars is of unanimous opinion that he is suffering hypertension, Ischemic Heart disease, cerebrovascular accident, left ventricular failure, his detention in jail is detrimental for his health. He needs continuous monitoring, treatment and repeat coronary angiography to assess extent of disease."

Learned counsel for applicants contends that albeit allegations are against Kaniya Lal and Hadi Bux, but Kaniya Lal is suffering from heart ailment and as per opinion of special medical board his further detention in jail will be detrimental to his health; whereas no evidence is against applicant Taj Muhammad.

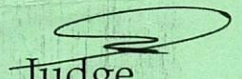
Learned D.P.G. also concedes on medical ground, as well as the basis of enquiry report which fix responsibility upon two persons Hadi Bux and Kaniya Lal.

In view of above, it is matter of record that it was surfaced during inquiry that only two persons are involved regarding this embezzlement and missing of valued articles and inquiry reflected that Hadi Bux and Kaniya Lal are the main culprits. Kaniya Lal as per medical board is patient of heart ailment and his further detention would be detrimental for his health; accordingly he is admitted to bail on medical ground, whereas no iota of evidence is against applicant Taj Muhammad, hence he is also granted bail. Consequently, instant bail application stands allowed, and the





applicants are directed to be released on bail on their furnishing solvent surety in the sum of Rs.200,000/- (Two hundred thousand rupees) each and P.R bonds in the like amount to the satisfaction of trial Court.

  
Judge