

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
1<sup>ST</sup> Cr. Bail Appln. No.S-698 of 2024

|                    |                               |
|--------------------|-------------------------------|
| Date of<br>Hearing | ORDER WITH SIGNATURE OF JUDGE |
| 22.01.2025.        |                               |

1. For orders on office objection.
2. For hearing of Bail Application.

M/s Zafar Ali Malghani and Babar Ali Shah, advocates along with the applicant.

Mr. Aitbar Ali Bullo, DPG, along with Insp. Roshanuddin Mazari, SHO PS Airport, Jacobabad.

Complainant Mst. Mehr-un-Nisa present in person.

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SHO PS Airport, Jacobabad has filed reply to the show-cause and has also tendered unconditional apology, which is accepted, with a warning to be cautious in future. The show-cause notice is recalled.

Heard arguments. Reserved for orders.

  
JUDGE

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**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA**

**Cr. Bail Application No. S- 698 of 2024**

Applicant(s): Zia-ur-Rehman Pathan (Lala Zahoor Ahmed) through Messrs Zafar Ali Malgani and Babar Ali Shah, Advocates.

Complainant: Mst. Mehr-un-Nisa present in person.

The State: Through Mr. Aitbar Ali Bullo, Deputy Prosecutor General, Sindh

Date of hearing: 22-01-2025  
Date of order: 28-01-2025

**ORDER**

**OMAR SIAL, J:-** Anwar Ali Panhyar, a School Teacher, committed suicide on 03.10.2024. His wife Mehar-u-Nissa, on 04.10.2024, informed the Airport police station that her husband committed suicide because of the constant pressure, humiliation, and harassment by specific money lenders. She identified three individuals, out of whom the applicant Zia-ur-Rehman Pathan was one. F.I.R. No. 98 of 2024 was registered under sections 302, 449, 506/2, 148, and 149 P.P.C. and sections 3, 4, and 5 of the Sindh (Prohibition of Interest on Private Loan) Act, 2023.

2. I have heard the learned counsel for the applicant and the learned Deputy Prosecutor General. The complainant was present in person but did not engage counsel. I have listened to the counsel and gone through the available records. My observations and findings are as follows.

3. This is a pre-arrest bail in which the element of malafide is essential. While pleading complete innocence, the learned counsel for the applicant submits that the applicant is surprised that he has been nominated in this case as there is no reason for his nomination. He, however, has no reason to explain why Mehar-u-Nissa would falsely accuse him. I would have been inclined to take a lenient view in this regard had it not been for the death note that the deceased left behind. The note has been forensically examined, and the expert has concluded that it was indeed written by the deceased. In the note, the deceased has specifically named only the applicant as a reason for his suicide. It is believed that a dying man does not lie. Essentially, the deceased committed suicide due to the pressure asserted on him by the applicant



on account of loans he had taken. The applicant denying everything, on balance, suggests malafide on his part.

4. The learned trial court will have to determine which provisions of the Pakistan Penal Code are attracted in the present situation; however, there is a strong possibility that section 302 P.P.C. may not be attracted. Section 3(1) of the Act of 2023 prohibits private lending on interest, while section 3(2) prescribes a jail term of three to ten years and a fine of Rs. one million on a person who violates section 3(1). The sentences for the offences the applicant is charged with may fall within the non-prohibitory clause. Upon a tentative assessment, the very evil for which the Act of 2023 was enacted has come into play in the current case. A man, prima facie, has been driven to suicide because of some individuals who continuously violated section 3(1) of the Act. Keeping in mind the principles enunciated in the case of **Tariq Bashir and 5 others vs. The State (PLD 1985 SC 34)**, I have treated the existence of the evil of interest and Islamic principles regarding it as an exceptional and extraordinary ground to deny the applicant bail. I have also considered the fear apparent to the wife of the deceased when she appeared in court and her plea to save her and her family from the wrath of the applicant. His remaining out of jail during the trial may impact the witnesses in the case.

The bail application is dismissed.



JUDGE

S.Ashfaq/-

Application in Disposal of Matter

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|-----------------------|-------------|--------|
| 1. For orders on M. A | No. 1636/25 | (4A)   |
| 2. For orders on M. A | No. 1472/25 | (2A)   |
| 3. For orders on M. A | No. 1473/25 | (561A) |

Accountant report is as flag 'A'  
-matter is already fixed on 10-04-25 (A/F)