

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. S-269 of 2026
[Sardar Khan Wassan vs. The state]

&

Criminal Bail Application No. S-279 of 2026
[Imitaz Hussain Sahito and others vs. The state]

For orders on an office objections.
For hearing of post arrest bail applications.

06.04.2026

Mr. Alam Sher Khan Bozdar, Advocate for applicant in Criminal Bail application No. S-269 of 2026.

M/s Qurban Ali Malano and Syed Naimat Ali Shah, Advocates for applicants in Criminal Bail application No. S-279 of 2026.

Syed Sardar Ali Shah Rizvi, Additional Prosecutor General.

ORDER

Ali Haider 'Ada' J.- By this single order, the above-captioned bail applications, arising out of the same crime, are being decided together, as applicants/accused have filed separate applications.

2. The applicants, through the instant bail applications, seek post-arrest bail in Crime No. 02 of 2026, registered at Police Station Anti-Corruption Establishment, Khairpur, for offences punishable under Sections 161, 406, 420, 467, 468, 471, 477-A, and 34 of the Pakistan Penal Code (PPC), read with section 5(2) of Prevention of Corruption Act-1947. Before filing the present applications, the applicants had approached the learned Special Judge, Anti-Corruption (Provincial), Sukkur Division; however, vide order dated 17.03.2026, their bail applications were declined. Hence, the instant applications have been filed.

3. As per the prosecution case, a raid was conducted on 07.03.2026 by the complainant, Assistant Director, Anti-Corruption Establishment, Khairpur. During the raid, the accused persons, namely (1) Imtiaz Ali Mangerio (Office Assistant), (2) Faheem Raza

Bhatti (Senior Clerk), (3) Imtiaz Hussain Sahito (Office Superintendent), (4) Sardar Khan Wassan (Naib Qasid), all employees of the District Health Office, Khairpur, along with one Muhammad Bux Shambani (Driver), were allegedly found involved in the illegal sale of government posts ranging from BPS-1 to BPS-4 in the Health Department, Khairpur. It is alleged that, after receiving illegal gratification, the accused persons prepared fake, fabricated, and unauthorized appointment orders at a private residence situated in the Township, Khairpur. They are further alleged to have been involved in illegal recruitment by preparing forged candidate lists. Consequently, the FIR was lodged on 07.03.2026.

4. Learned counsel for the applicants contended that no offence has been committed by the present applicants and that they are subordinate staff. They further submitted that the matter pertains to appointments in BPS-1 to BPS-4, which fall within the administrative domain of the Deputy Commissioner; however, the said functionary is neither cited as a witness nor nominated as an accused. They argued that no such list could have been prepared without the supervision of the head of the department and that the allegations are merely tentative in nature. The learned counsel further submitted that the documents relied upon by the prosecution require strict proof and can only be adjudicated upon at the time of trial. In support of their contentions, they have placed reliance upon the cases reported as 2022 SCMR 419, 2022 P.Cr.L.J 226, and 2023 P.Cr.L.J 1260.

5. Conversely, the learned Additional Prosecutor General has opposed the grant of bail and submits that sufficient documentary evidence is available on record connecting the present applicants with the commission of the alleged offences. He contended that during the raid, the applicants were found in possession of incriminating documents, thereby establishing a prima facie case against them. In support of his arguments, he has relied upon the judgments reported as 2020 SCMR 434 and 2020 P.Cr.L.J 259.

6. Heard the learned counsel for the parties and perused the material available on record.

7. The posts from BPS-01 to BPS-04 are ordinarily advertised and filled through a walk-in interview process, which is initiated and supervised by the head of the department. The allegations leveled against the present applicants, who are serving as Office Assistant, Naib Qasid, and Driver, do not prima facie fall within their prescribed domain, as they are not authorized to finalize or issue any such recruitment lists. Moreover, the principal functionaries, i.e., the heads of the department, have neither been nominated in FIR nor even tentatively implicated in the present case. Therefore, the alleged involvement of the applicants in the recruitment process requires further probe.

8. Furthermore, in such recruitment processes, the Deputy Commissioner acts as the principal officer to ensure transparency. However, there is nothing available on record to suggest that the said functionary lodged any complaint before the Anti-Corruption Establishment. Thus, the criminal liability of the applicants can only be determined after recording of evidence before the trial Court. In this regard, reliance is placed upon the case of *Syed Sakhawat Hussain versus The State and another* (2024 SCMR 1103).

9. It is also noteworthy that the alleged beneficiaries, who are said to have been declared successful candidates through such appointments, have neither been nominated as accused nor cited as witnesses at this stage. Even otherwise, the FIR does not disclose the number or identity of such beneficiaries.

10. The question regarding the preparation of alleged forged documents and appointment orders also remains unresolved, as no person has come forward to attribute the preparation of such documents to the present applicants, either individually or in

collusion with others. In the absence of such material, the applicants cannot be disentitled from the concession of bail.

11. It is a settled principle of law that it is better to err in granting bail than to err in refusing it, as any mistake in granting bail can be remedied by eventual conviction and sentence. In support of this proposition, reliance is placed upon the case of *Ahmad Nawaz and another versus The State and another* (2024 SCMR 1525).

12. Keeping in view the above facts and circumstances, the case of the applicants falls within the ambit of further inquiry. Consequently, Criminal Bail Application No. S-269 of 2026 filed by applicant Sardar Khan Wassan and Criminal Bail Application No. S-279 of 2026 filed by applicants Imtiaz Hussain Sahito, Muhammad Bux Shambani, Imtiaz Ali Mangnejo, and Faheem Raza Mangnejo are hereby allowed in the above crime, subject to each applicant furnishing solvent surety in the sum of Rs. 100,000/- (Rupees One hundred thousand only) each to the satisfaction of the learned trial Court. Needless to observe that the above findings are tentative in nature and shall not prejudice the case of either party at the trial.

J U D G E