

ORDER SHEET
IN THE LAHORE HIGH COURT,
LAHORE.
JUDICIAL DEPARTMENT

Crl. Misc. No.8612-B/2025.

Riaz Ahmad.

Versus

The State etc.

S.No. of order/ proceeding.	Date of order/ proceeding.	Order with signatures of Judge, and that of parties or counsel, where necessary.
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26.03.2025. Mr. Akhtar Hussain Bhatti, Advocate for the petitioner.

Rana Muhammad Imran Anjum, Deputy Prosecutor General alongwith Muhammad Javed-Assistant Director.

M/s Irfan Ahmad Khichi and Sajjad Mehmood Bhatti, Advocate for the complainant.

The petitioner (Riaz Ahmad), being arrayed as an accused in case F.I.R. No. 28/2024, dated 11.09.2024 registered with police Station ACE, Lahore for offences under Sections 420, 468, 471, 109, 419 PPC and 5/2/47 PCA, seeks his post arrest bail, after the same was refused by the Court of learned Senior Special Judge, Anti-Corruption, Punjab, Lahore vide order dated 09.01.2025.

2. According to FIR, one Muhammad Nawaz (real uncle/*Taaya* of complainant) was owner of a piece of land measuring 01-Kanal 13-Marla, situated at *Mouza Kot Lukput*, Lahore. He passed away on 12.03.2024. Complainant went to *Patwari* for the mutation of inheritance, then it was transpired that above piece of land stood transferred to Riaz Ahmad (petitioner) through forged sale deed vide mutation No.50216 dated 28.06.2024. Upon mutation, number of register sale deed was mentioned as 15029 *Bahi* No.1, *Jild* No.9283 dated 08.06.2021 for consideration of Rs.1,36,95,000/- with the office of Sub Registrar, *Nishtar* Town, Lahore. On the scrutiny of record, one document drafted in English found to have been executed from one Muhammad Sulaman in favour

of Allied Bank Limited. Particulars of the above documents were different from mutation No.50216. On further security, particulars of document No.15028 *Bahi* No.1, *Jild* No.9283 dated 08.06.2021 were found to be in accordance with the relevant particulars, where-upon thumb impression of Muhammad Nawaz (uncle/*Taaya*) of the complainant alongwith photograph was found available. Above uncle was suffering from palsy for the last more than 15 years. He was bed ridden, as such signature/thumb impression upon the said documents was not that of uncle of the complainant. The photo available thereupon was found to have been scanned from CNIC through the help of computer. Moreover, in the contents of document, memo/*fard* for the purpose of sale was shown to have been issued vide rapt No.1105 dated 27.03.2021. On scrutiny the signature of uncle of complainant upon above Rapt No.1105 were found to be forged. One Muhammad Sharif s/o Muhammad Jehangir was cited as identifier. His signature was also found to be forged. Said Muhammad Sharif issued his affidavit to the effect that he was not identifier of the said property. Infact, accused persons namely (1) Yaqoob Joyia (ex.*Patwari*) (2) Abdul Majeed Haleem, *Qanoongo* (3) Azhar Hussain (Ex *Naib Tehsildar*) (4) Riaz Ahmad s/o Muhammad Sharif (petitioner), after connivance with each other got the said property transferred into the name of Riaz Ahmad (petitioner).

3. Bail was sought mainly on the grounds that petitioner, being not a government official, was not subject of section 5 of Prevention of Corruption Act, 1947; remaining offences under Section 420, 468, 419, 471, 109 PPC were not attracting the prohibition contained in Section 497 of Cr.P.C; petitioner was behind the bar ever since his arrest; his person was no more required; complainant filed a civil suit for the cancellation of document, but he was not an aggrieved person, because he was not legal heir of Muhammad Nawaz (deceased); complainant was having no *locus-standi* to put

machinery of law into motion; placed reliance upon “Mehmood Ahmad Vsd. Additional Sessions Judge/Ex. Officio Justice of Peace, Narowal and 5 others” (2024 P.Cr.L.J 786), “Karima Bibi Vs. The State and others” (2012 P.Cr.L.J 1610) and “Ilyas Ahmad Vs. Muhammad Munir and 10 others” (PLD 2012 (Sindh) 92); neither wife, nor son, nor daughter, nor any sister of Muhammad Nawaz (deceased) challenged the above mutation, which was still holding the field; one Muhammad Sharif identifier submitted affidavit that he did not identify any person but report of PFSA endorsed his signature upon memo/*Fard*; all the above said weak and palpable circumstances were sufficient to make present case that one of further inquiry.

4. Learned Deputy Prosecutor General, Punjab duly assisted by the learned counsel for the complainant opposed the present petition vehemently and rigorously on variety of the grounds. They added that petitioner was working as a *Munshi* of a *Patwari*. He was master mind of episode of the crime and main beneficiary thereof; memo/*fard* was got issued after one year of the registration of the sale deed, which was meaningful and a question mark; Muhammad Imran co-accused was just an identifier, as such he was allowed bail by this Court, whereas the case of the petitioner was altogether on different footings; he committed act of highhandedness, as such he was not entitled to any relief despite of the fact that offences attracted against him were not falling within the category of prohibitory clause.

5. Arguments heard. File perused.

6. Petitioner Riaz Ahmad was under the allegation that he, while joining hands with *Patwari*, *Qanoongo* and *Naib Tehsildar* got a valuable property of one Muhammad Nawaz (deceased uncle of complainant) transferred into his name through a forged sale deed.

7. Main thrust of learned counsel for petitioner was on the points that offences were not falling within prohibitory clause of Section 497 Cr.P.C and civil litigation between the parties was also pending and complainant was having no *locus-standi*.

8. Petitioner allegedly made a forged sale deed. Sale deed is a document, which transfers right to property/ownership, as such the same is covered by the definition of “Valuable security” as provided by Section 30 of PPC, which is being produced below for the facility of reference:-

“The words “valuable security” denote a document which is, or purports, to be a document whereby any legal right is created, extended, transferred, restricted, extinguished or released, or whereby any person acknowledges that he lies under legal liability, or has not a certain legal right”.

Any document, which on the face of it purports to create right in immovable property, is a “valuable security”. If any reference in this regard is required, that can be had from the case of **Jainul Abdin v Mulchand Budur AIR 1955 NUC (ASSAM) 2829**, wherein a sale deed was considered as “valuable security”. I have sought further guidance from **AIR 1926 Allahabad 57.**

9. Forgery of a sale deed (valuable security) shall attract the charge under section 467 PPC, which entails the penalty of imprisonment for life, or imprisonment of either description, which may extend to ten years. Above penal provision was not applied by Investigating Officer, but it was also *prima-facie* made out, as such I feel no hesitation in holding that said offence attracting against the petitioner was falling within embargo contained under Section 497 of Cr.P.C.

10. Petitioner was found to be *prima facie* connected with the act of preparation of forged sale deed in his favour in order to deprive certain persons of their valuable

property/inheritance. Allegations leveled against him sought full endorsement, corroboration and confirmation by the documentary evidence flouted on the surface during the investigation. Prima facie involvement of the petitioner in the crime could not be dislodged. There was nothing to suggest by any stretch of imagination that offence was requiring further inquiry. Mode and manner adopted by petitioner was presenting a dreadful picture of the episode of the crime, which do not permit me to extend any leniency in his favour.

11. So far as objection raised by learned counsel for the petitioner regarding the *locus standi* of complainant was concerned, it was not a rule of universal application that a crime of fraud/forgery can only be reported by a person, who is directly affected thereby. Such like nefarious activities, which are crimes not only against any individual, but against the public at large, can be brought into the knowledge of concerned authorities by any person of the public and authorities can inquire into and investigate the same when the same come into their knowledge, even if these are not reported by any person. I have sought guidance in this regard from "Muhammad Rasheed Vs. The State" (**PLD 1959 (WP) Lahore 372**), wherein it was held that it is not incumbent that the person who has been cheated should initiate criminal proceedings for the offence. Complainant, although was not directly affected by the fraud/forgery committed by petitioner/accused, but he was real nephew of Muhammad Nawaz (deceased), whose property was allegedly grabbed by fraud/forgery, as such being a relevant person, the lodgment of FIR under his authorship was valid and legal for all the purposes. Above objection of the learned counsel, being divide of legal force has been turned down by me.

12. Precedent judgments, relied upon by the learned counsel for the petitioner were found to be on different premises, hence, not applicable to the matter in hand.

13. For the reasons recorded above, the present petition has no force, hence **dismissed**.

(Tanveer Ahmad Sheikh)
Judge

Approved for reporting.

Judge

Muhammad Ajmal