

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE MUSHIR ALAM
MR. JUSTICE FAISAL ARAB
MR. JUSTICE QAZI MUHAMMAD AMIN AHMED

**CRIMINAL PETITIONs NO.197-K to 204-K,
211-K to 221-K AND 230-K OF 2019**

(Against order dated 10.10.2019 passed by High Court of Sindh, Hyderabad Bench, in CrI.B.A.S-582 to S-587, S-589, S-590, S-537 to S-543, S-591, S-593, S-598, S-599 and S-577/2019)

Gulshan Ali Solangi	(in Cr.Ps.197-K to 203-K/19)
Ali Asghar Panhwar	(in Cr.P.204-K/19)
Muhammad Hussain Khokhar and another	(in Cr.Ps.211-K to 217-K/19)
Allah Bachio Panhwar	(in Cr.P.218-K/19)
Inam Hussain Abro	(in Cr.P.219-K /19)
Muzafar Ali Jaiser	(in Cr.P.220-K /19)
Ghulam Muhammad Kakepoto	(in Cr.P.221-K/19)
Ghulam Murtaza Butt	(in Cr.P.230-K/19)
	...Petitioner(s)

VERSUS

The State thr. P.G. Sindh	
	...Respondent(s)

For the Petitioner(s):

(in Cr.Ps.197-K to 203-K/19)	Mr. Ahmed Ali Ghumro, ASC
(in Cr.P.204-K/19)	Mr. Bashir Ahmed Almani, ASC
(in Cr.Ps.211-K to 221-K/19)	Mr. Abdul Mujeeb Pirzada, Sr. ASC
(in Cr.P.230-K/19)	Syed Shafqat Ali Shah Masoomi, ASC
	along with petitioners.

For the State:

Ms. Rahat Ahsan, Addl. PG Sindh.
(in all cases)

Date of Hearing:

05.12.2019

ORDER

QAZI MUHAMMAD AMIN AHMED. Petitioners, though nominated in different crime reports, nonetheless, are identically placed inasmuch as they have been declined judicial protection of anticipatory bail by the High Court of Sindh through various

orders of even date i.e. 10.10.2019. Controversy arises out of a scam detected in Dadu District when thousands of bags alongwith wheat were found missing/displaced from designated places. Inquiries conducted by Anti Corruption Establishment, found the petitioners, having been systematically involved in the misappropriation, resulting into a colossal loss to the public exchequer.

2. Gulshan Ali Solangi, Head Clerk in the Department is arrayed in as many as seven crime reports; alongside him, Muhammad Hussain Khokhar and Mahram Pechuhu, private individuals, being beneficiaries are on board in all the cases. Ali Asghar Panhwar, Ghulam Murtaza Butt, Ghulam Hussain Kakepoto, Muzaffar Ali Jaiser, Inam Hussain Abro, Food Inspectors and Allah Bachio, Food Supervisor have been distinctly accused in the above cases. In this common backdrop, these petitions are being decided through this single order.

3. In the face of findings recorded by the Investigation Officers, on the basis of preliminary inquiry held on the strength of various statements, learned counsel for the petitioners, nonetheless, in a unison and with vehemence, controverted the accusation. It is argued that in order to avoid possible damage to the stock due to poor storage conditions, it was shifted to different places without an axe to grind and as such being blameless, petitioners are being hounded on a trump up charge for purposes far from being *bonafide*, a position contested faithfully by the learned Law Officer.

4. Heard. Record perused.

5. Except for the two, all the petitioners are in the service of the Food Department, posted in positions at the places, wherefrom huge wheat stock vanished, subsequently spotted at outlets being run and managed by private entrepreneur; explanation offered by the accused being preposterous merits outright rejection.

Grant of pre-arrest bail is a remedy rooted into equity; at a cost to hamper the investigation, this judicial protection is extended, solely to save the innocent from the horrors of abuse of process of law with a view to protect his dignity and honour. It cannot be granted in every run of the mill criminal case, particularly to the accused confronting *prima facie* charges structured upon material/evidence, warranting custody, that too, on the basis of positions/ pleas, verification whereof, is consequent upon recording of evidence. Being in line with the law declared by this Court, view taken by the High Court, does not calls for interference. Petitions fail, leave refused.

JUDGE

JUDGE

JUDGE

ISLAMABAD
5th December, 2019
Azmat/^{sk}

"Not approved for reporting"

