

**IN THE SUPREME COURT OF PAKISTAN**

(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Maqbool Baqar

Mr. Justice Qazi Muhammad Amin Ahmed

**Criminal Petition No.231-K of 2019**

(Against order dated 21.10.2019 passed  
by High Court of Sindh Circuit Court  
Hyderabad in Cr. Bail Application. No.S-  
988 of 2019)

***Abdul Aziz Memon***

*...Petitioner(s)*

**Versus**

***The State***

*...Respondent(s)*

For the Petitioner(s): Mr. Bashir A. Almani, ASC

For the State: Mr. Hussain Bux,  
Additional Prosecutor General Sindh

Date of hearing: 26.12.2019

**ORDER**

**Qazi Muhammad Amin Ahmed, J.-** Apprehending arrest, Abdul Aziz Memon, petitioner herein, seeks bail in anticipation thereto; he is accused in Crime No.109, registered with Police Station Matyari, on the complaint of Hakim Ali, allegedly duped for appointment as a Naib Qasid in the Education Department, in lieu of payment of Rs.500,000. An appointment letter, received by the complainant, turned out a fake instrument after two years service without pay.

Before the Courts below, the petitioner pleaded innocence, citing a dispute over a transaction involving wheat crop for a consideration of Rs.200,000 paid through different bank cheques issued in complainant's favour, followed by a default; the same story is reiterated, nonetheless, in the absence of any proof or investigative support.

2. Heard. Record perused.

3. Complainant's futile service as a Naib Qasid at a school for a period of two years, abruptly terminated when the appointment letter

provided by the petitioner, upon verification, was found as a forged instrument; two years of service and a fake appointment letter are circumstances, resting upon incriminatory statements, singularly pointed upon petitioner's culpability that he cannot ward off by clamouring a bald plea of *mala fide*, structured upon denial and a parallel story. Grant of pre-arrest bail is an extraordinary remedy, rooted into equity, to protect the honour and freedom of the innocent in criminal cases actuated by abuse of process of law for oblique motives and purposes; this protection cannot be extended in every run of the mill criminal case without grievously hindering the investigative process. View taken by the High Court, being well within the remit of law, does not call for interference. Petition fails. Leave refused.

**Judge**

**Judge**

Karachi, the  
26<sup>th</sup> December, 2019  
Not approved for reporting  
Azmat\*