

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2194 of 2024

Applicant : Sharafat Shah S/o Akram Shah
Present in person.

Respondent : The State
through Mr. Muhammad Noonari, DPG

Date of hearing : 07.02.2025

Date of order : 07.02.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks pre-arrest bail in Crime No.615/2024 for the offence under Sections 381-A, 34 PPC registered at PS Malir City, after his bail plea has been declined by the learned Additional Sessions Judge-VI, Malir Karachi vide order dated 20.09.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Applicant states that he is owner of the car and rented out the same to one Hamza who subsequently sold it out to one Mustafa, who thereafter lodged the instant FIR, however, he has placed photocopy and other documents file in support of his contention. He further submits that he has recovered the said car which is now in his possession. He lastly prays for confirmation of bail.

4. On the other hand, learned DPG has vehemently opposed for grant of bail.

5. Heard the parties and perused the material available on record.

6. From perusal of record, it reflects that as per version of the applicant, in fact he is the real owner of the subject car and has given the same on rental basis to one Hamza who subsequently sold it out to one Mustafa. It is yet to be decided whether the applicant is

real owner of the car or he has stolen the same when evidence will be recorded. At bail stage, only tentative assessment is to be made and deeper appreciation is not permissible.

7. In view of the above, applicant has made out case for grant of bail in terms of subsection 2 of section 497 Cr.P.C. Resultantly, the instant bail application is **allowed**. The interim pre-arrest bail granted to the applicant/accused vide order dated 26.09.2024 is hereby confirmed on same terms and conditions. The Applicant is directed to attend the trial. However, it is made clear that if the applicant/accused misuses the concession of bail, learned trial Court would be at liberty to take appropriate action.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Kamran/PA