

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Present:

Mr. Justice Ahmed Ali M. Shaikh, CJ *ha vk*
Mr. Justice Muhammad Karim Khan Aga.

Cr. Bail Application No. 937 of 2017

Muhammad Saleem Versus The State

Cr. Bail Application No. 939 of 2017

Rao Tariq Versus The State

Cr. Bail Application No. 941 of 2017

Raza Hussain Versus The State

Cr. Bail Application No. 943 of 2017

Faheem Danish Versus The State

Cr. Bail Application No. 945 of 2017

Muhammad Tayyab Versus The State

Cr. Bail Application No. 965 of 2017

Muhammad Nasir Versus The State

Cr. Bail Application No. 990 of 2017

Fareed Ahmed Versus The State

Cr. Bail Application No. 992 of 2017

Asif Khan Versus The State

Cr. Bail Application No. 1008 of 2017

Adeel Ahmed Versus The State

Cr. Bail Application No. 1157 of 2017

Muhammad Waleed Versus The State

Cr. Bail Application No. 1161 of 2017

Muhammad Shamim (Rashid son of
Shamim as per jail record) Versus The State

For hearing of bail applications.

17.8.2017

Mr. Farrukh Raza, Advocate for applicants in Cr. Bail Applications No.937,
939, 941, 943, 945, 1008, 1157 and 1161 of 2017.Ms. Naveed Jahan, Advocate for applicant in Cr. Bail Application No.965 of
2017.

Mr. S. M. Afzal, Advocate for applicants in Cr. Bail Applications No.990 and 992 of 2017.

M/s Mushtaq Ahmed Jehangiri and Sajid Mehboob Shaikh, Special Public Prosecutors for State

AHMED ALI M. SHAIKH, CJ.- Applicants above-named indicted in FIR No.116/2016 under Sections 123-A/124-A/109/114/34 PPC read with Section 7 of Anti Anti-Terrorism Act, 1997 as well as Section 25 of Telegraph Act, registered at Police Station Artillery Maidan, Karachi seek post arrest bail. Earlier, trial Court vide impugned orders of different dates rejected bail pleas of the applicants.

2. Contents of prosecution case in a nutshell are that on 22.8.2016 SI/SHO Abdul Ghaffar Sandhu of PS Artillery Maidan lodged aforesaid FIR stating therein that on 17.8.2016 he alongwith his subordinates while searching terrorists and criminals reached at Sabir Baig Shaheed Road, Karachi Press Club where MQM workers were sitting on hunger strike. At their camp Dr. Farooq Sattar, Kanwar Naveed Jameel, Shahid Pasha, Aamir Khan, Gulfaraz Khattak, Abdul Qadir, Muhammad Javed Kazim, Arif Khan, Akram Rajput, Awais Burni, Ashraf Noor, Rafiq Akber, Zakir Qureshi, Aslam Afridi and about 1500 to 2000 peoples, including men and women were present and listening telephonic speech of Altaf Hussain, who raised slogans against Pakistan and directed his supporters to provide water to everyone. It is alleged that Altaf Hussain called that he has no concern with the Movement and used filthy and seditious words against the Pakistan.

3. Learned counsel for the Applicants contended that applicants who are quite innocent neither named in the FIR nor uttered a single word against Pakistan. They further submitted that under somewhat similar allegations nominated co-accused Kanwar Naveed Jameel, Qamar Mansoor and Javed Shaukat and those not nominated in aforesaid FIR have been enlarged on bail by the trial Court as well as by this Court, therefore, following the rule of consistency applicants herein be also granted bail.

4. Conversely learned Special Public Prosecutor though tried to contest the bail applications frankly conceded that co-accused, including nominated one, have been granted post-arrest bail by the trial Court and this Court. He during course of arguments also conceded that against the post-arrest bail granted to several co-accused the State has ~~yet~~ not approached the appellate forum seeking cancellation of bail.

5. We have heard the learned counsel for the applicants, Special Public Prosecutor and perused the record.

6. In the instant case, the bail applications of the applicants herein were rejected by the trial Court, inter alia, on the ground that either the accused were named or CDR depicted their presence near Press Club on 22.8.2016 or that footage with the prosecution showed presence of the accused at the place of incident. Considering these grounds the trial Court itself in Special Case No.1496 of 2016 granted bail to accused Kanwar Naveed Jameel while this Court also enlarged on bail co-accused Javed Shaukat, Husne Alam, Muhammad Faisal, Gul Faraz Khattak, Muhammad Subhan, Muhammad Asif, Muhammad Mohsin Siddiqui, Muhammad Irfan, Adnan Habib Siddiqui, Sher Ali, Hasan Raza, Roman, Ghulam Nabi, Altaf Hussain and Intikhab Haider. In the given circumstances, on the ground of similarity of role and following doctrine of consistency, the applicants herein are also entitled to be released on bail. Learned Special Public Prosecutor for State while opposing the bail applications very frankly conceded that till date neither the State nor anyone else has preferred any application either to this Court or the Honourable Supreme Court against the post arrest bail granted to co-accused, including both men and women.

7. Accordingly, captioned bail applications are allowed and applicants Muhammad Saleem, Rao Tariq, Raza Hussain, Faheem Danish, Muhammad Tayyab, Muhammad Nasir, Fareed Ahmed, Asif Khan, Adeel Ahmed, Muhammad Waleed and Rashid son of Shamim, are granted bail subject to their furnishing surety in the sum of Rs.200,000.00 (rupees two hundred thousand only) each with PR bond in the like amount to the satisfaction of the trial Court. The applicants are also directed to simultaneously deposit their original valid passports, if any. They shall not leave the country without first obtaining permission from the trial Court.

