

ORDER SHEET  
IN THE HIGH COURT OF SINDH, AT KARACHI.

**Criminal Bail Application No.146 of 2024.**

Date	Order with signature of Judge
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For hearing of bail application.

**01.02.2024.**

Applicant is present in person.  
Mr. Saleem Ahmed Shar, Assistant Prosecutor General.  
SIP Javed PS Saeedabad, Karachi.  
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**MOHAMMAD KARIM KHAN AGHA, J:-** The Applicant Muhammad Nazir S/o. Noor Muhammad is facing trial before the IInd Additional District Judge West Karachi in respect of FIR No.705/2023 U/s. 397/395/452/354-PPC registered at P.S. Saeedabad, Karachi. The applicant applied for the grant of pre-arrest bail which was declined vide order dated 07.12.2023 and hence he has approached this Court for pre-arrest bail.

2. I have heard the parties and considered the record.

3. The offence for which the applicant has been charged carries the maximum sentence of 07 years imprisonment and in such like cases the general rule is that bail should be granted unless some exceptional circumstances have been made out to justify declining of bail. In this case no such exceptional circumstances exist. The applicant was not known to the complainant and was not arrested on the spot and put up before the ID parade, hence the applicant has made out the case of further inquiry regarding his identification. No recovery has been made from the applicant. The applicant is no longer required for investigation. In addition learned counsel for the complainant has sworn an affidavit that he was not inclined to pursue this case and wanted to dispose of the case in 'C' class but the Magistrate however, took cognizance of the same. The complainant has once again filed an affidavit that he has no objection to the grant of bail or even acquittal of the applicant.

4. As such the pre-arrest bail earlier granted to the applicant Muhammad Nazir S/o. Noor Muhammad is confirmed on the same terms and conditions. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing of the outcome of the trial of the applicant which shall be decided by the concerned trial Court based on the evidence placed before it. The trial court is directed to complete the trial expeditiously. A copy of this order shall be sent to the IInd Additional District Judge West Karachi for compliance.

5. This bail application is disposed of in the above terms.

JUDGE

*M. Arif*