

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No.77 of 2021

<i>Date</i>	<i>Order with signature of Judge</i>
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For hearing of Bail Application.

29.09.2021

Applicant present in person (on bail).
Mr. Abrar Ali Khichi, Addl. Prosecutor General, Sindh.

ORDER

Muhammad Saleem Jessar, J:- Through this application, applicant Syed Ali Raza Farooqi seeks his admission on pre-arrest bail in Crime No.310/2019 of Police Station Model Colony, Karachi, under Section 489-F PPC. The bail plea preferred by the applicant before first forum was declined by means of order dated 17.12.2020, hence this bail application.

Since the facts of the prosecution case are already mentioned in the impugned order as well as FIR, which are annexed with Court file, therefore, there is no need to reproduce the same.

In earlier part of the day, Mr. Muhammad Akbar Awan, learned counsel for the applicant, was present and submitted that complainant has entered into compromise with the applicant; however, he was on the way; therefore, requested for keeping matter aside.

It is second round. Complainant Sajjad Hussain having CNIC No. 42201-6017968-9, present in person and submits his Affidavit dully sworn in by him in the office on 07.09.2021 thereby has extended his no objection for grant of bail application on the ground that he has entered into compromise with the applicant outside the Court. Affidavit sworn in by the complainant, is hereby taken on record.

Learned Addl. P.G, Sindh appearing for the State, in view of above development, has accorded his no objection.

Heard arguments and perused record. The offence with which applicant stands charged, is compoundable; besides, the complainant who himself is victim of the crime, has entered into compromise with the applicant outside the Court and thereby has filed his Affidavit of no objection for grant of the bail application. The offence with which applicant has been charged, carries maximum punishment up to three years; besides, the case is being tried by the Court of Judicial Magistrate, therefore, does not fall within the ambit of prohibitory clause of section 497 Cr.P.C. In the circumstances and in view of above, case against applicant requires further inquiry within the meaning of subsection 2 to section 497 Cr.P.C. Accordingly, instant bail application is hereby allowed; interim bail granted earlier to applicant **Syed Ali Raza Farooqi son of Syed Zulfiqar Ali Shah** on 18.01.2021 is hereby confirmed on same terms and conditions.

The case is pending before the Court of Judicial Magistrate-VI, Karachi (East) and is fixed today for hearing, but due to his appearance before this Court today, the applicant will appear before trial Court tomorrow viz. 30.09.2021.

Before parting with this order; however, it is clarified that the reasoning given in this order are tentative in nature and will have no effect whatsoever in any manner upon the merits of the case.

Applicant present before the Court is directed to continue his appearance before the trial Court without negligence and in case he may misuse the concession or may temper with the prosecution's evidence then the trial Court is competent to take legal action against him as well to his surety in terms of Section 514 Cr.PC. Trial Court is also hereby directed to make necessary arrangements for securing attendance of the prosecution witnesses and conclude the trial within shortest possible time under intimation to this Court through MIT-II.

Let copy of this Order be communicated to trial Court through learned Sessions Judge, concerned. Learned MIT-II to ensure compliance.

JUDGE