

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No.1412 of 2021

Date

Order with signature of Judge

For hearing of Bail Application.

23.08.2021

Mr. Asif Ali Mastoi, advocate for the applicant.

Ms. Rahat Ehsan, Addl.P.G.

ORDER

Muhammad Saleem Jessar, J:- Through this bail application, applicant Muhammad Saleem Jokhio seeks his release on bail in Crime No.447 of 2021 of P.S Steel Town, under Section 23(i) Sindh Arms Act, 2013. The bail plea preferred by accused before trial Court was declined by means of order dated 01.07.2021, hence this application has been maintained.

2. Brief facts as per FIR are that on 24.0-6.2021 at 1830 hours ASI Muhammad Sarwar lodged FIR wherein he reported that applicant/accused Saleem Jokhio was arrested by him near Gulshan-e-Hadeen when he was found in possession of one pistol along with 04 live rounds and he also failed to produce license of said weapon. Thus, FIR was registered u/s 23(i) (a) Sindh Arms Act.

3. At the very outset, learned counsel for applicant submits that instant case is off-shoot of main case being Crime No.444 of 2021, in which applicant has been granted post-arrest bail by way of compromise and such affidavits were sworn by the complainant party. In support of his contention, learned counsel places copy of order dated 13.08.2021, same is hereby taken on record. He, therefore, submits that applicant may be granted bail in this case also.

4. Learned Addl.P.G. opposes bail application on the ground that prosecution has to verify the weapon allegedly used by applicant in the commission of offence, therefore, mere grant of bail in main case is no ground for grant of bail in this case.

5. Heard arguments, record perused. Admittedly, instant crime is offshoot of the aforesaid main crime and both cases are pending for trial before same trial Court. Record reflects that applicant has already been granted post arrest bail in main case on the basis of compromise effected by the complainant party by swearing affidavits and it will be unfair and unjust if applicant is declined bail in the present case regardless of the fact that compromise has already been effected between the parties at the time of granting post arrest bail to applicant in main case; therefore, the propriety of law demands that applicant may also be extended concession of bail in the present case. Accordingly, instant bail application is hereby allowed. Applicant Muhammad Saleem Jokhio son of Muhammad Anwar Jokhio, shall be released on bail subject to furnishing his solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousands Only) and PR Bond in the like amount to the satisfaction of learned trial Court.

6. It pertinent to mention that the observation(s) made hereinabove is/are tentative in nature and shall not prejudice the case of either party during trial. However, the learned trial Court may proceed against the applicant, if he is found misusing the concession of bail.

7. This Criminal Bail Application is disposed of in the terms indicated above.

JUDGE

Imran