

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No.1193 of 2020

Date *Order with signature of Judge*

For hearing of Bail Application.

11.01.2021

Applicant present in person (on bail).
Mr. Faheem Hussain Panhwar, Deputy Prosecutor General, Sindh.
Ms. Khalida Parveen Sheikh, Advocate for the Complainant.

ORDER

Muhammad Saleem Jessar, J:- Through this application, applicant Muhammad Azhar Ali seeks his admission on pre-arrest bail in Crime No.658/2020 of P.S Preedy, Karachi, under Section 381/406 PPC. The bail plea preferred by the applicant was assigned to XIIth Additional Sessions Judge, Karachi (South); where his request for anticipatory bail was declined by means of order dated 30.07.2020; hence this bail application.

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

At the very outset, learned counsel for the complainant submits that parties have settled their differences outside the Court, therefore, under the instructions, she does not oppose the bail application. She further submits that they would get decided the case before the trial Court.

Learned Deputy Prosecutor General, Sindh, in view of the statement made at the Bar, also does not oppose the bail application.

Admittedly, the FIR is delayed for about 12 days and no proper date of an offence is given by the complainant in his FIR; besides, the case is being tried by Judicial Magistrate where after recording evidence of its witnesses, if prosecution may prove its charge against accused, even then punishment of more than 03 years cannot be visualized. The complainant through his counsel has extended no objection for grant of the bail, therefore, in view of above no objection extended by learned counsel for

the complainant as well as learned Deputy P.G, Sindh, instant bail application is hereby allowed; interim bail granted earlier to applicant Muhammad Azhar Ali son of Abdul Rauf on 11.08.2020 is hereby confirmed on same terms and conditions.

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

Zulfiqar/P.A