

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No.1745 of 2020
Criminal Bail Application No.1844 of 2020
Criminal Bail Application No.1916 of 2020

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

12.01.2021

Mr. Zahid Iqbal, Advocate along with Applicant Attaullah Khan.
[Criminal Bail Applications No.1745 and 1844 of 2020]

Mr. Ghulam Nabi, Advocate a/w Applicant Shafeeq-ur-Rehman.
[Criminal Bail Application No.1916 of 2020]

Ms. Seema Zaidi, Deputy Prosecutor General, Sindh along with
Complainant Muhammad Shah.

ORDER

Muhammad Saleem Jessar, J:- Through these applications, applicants Attaullah Khan and Shafeeq-ur-Rehman seek their admission on pre-arrest bail in Crime No.269/2020 of P.S Sharafi Goth, Karachi, under Section 392/397/34 PPC read with Section 411 PPC. The bail plea preferred by them was assigned to Vth Additional Sessions Judge, Malir Karachi; where their request for anticipatory bail was declined by means of order dated 23.11.2020; whereas, applicant Murad Kareem seeks his release on post arrest bail in the same crime. He filed his post arrest bail application before trial Court, but his request was turned down by order dated 05.11.2020; hence these bail application(s).

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

At the very outset, learned counsel for the applicants in all bail applications submit that parties have buried their hatchets and settled their dispute outside the Court, therefore, the complainant, who is present in Court today, has no objection for grant of bail applications. They, therefore, submit that complainant, who at the same time, is victim, has no objection then case against applicants requires further inquiry, therefore, they may be enlarged on bail.

Complainant Muhammad Shah, having CNIC No.42501-1399597-3, submits that he do not want to prosecute the applicants anymore; however, has no more grudge, therefore, files his Affidavits in all bail applications and raises no objection for grant of bail applications. The affidavits filed by the complainant in all bail applications are taken on record.

Confronting with above, learned Deputy P.G, Sindh appearing for the State, very candidly concedes and extends his no objection for grant of bail applications.

Heard arguments and perused record. The complainant present, submits that alleged robbed vehicle as well as robbed articles were recovered by the police from Khosa village, District Malir Karachi and same were not secured from exclusive possession of the applicants. He, therefore, raises no objection. The investigation of the case has been completed and case has already been challaned which is now pending for preliminary proceedings before the Civil Judge/Judicial Magistrate-XI, Malir Karachi. The complainant being victim of the offence confirms that robbed articles have been restored to him and were not recovered from exclusive possession of the applicants. Therefore, case against applicants requires further inquiry. Consequently, all these bail applications bearing Nos. 1745/2020, 1844/2020 & 1916/2020 are allowed; interim bail granted to applicants Attaullah Khan son of Addo Khan on 01.12.2020 and Shafeeq-ur-Rehman on 10.12.2020 is hereby confirmed on same terms and conditions.

Whereas, applicant Murad Kareem son of Gul Kareem is in custody, therefore, he 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

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.

Applicants Attaullah Khan and Shareef-ur-Rehman present before the Court are directed to continue their appearance before the trial Court without negligence and in case they may misuse the concession or may temper with the prosecution's evidence then the trial Court is competent to

take legal action against them as well to their 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.

Office to place copy of this order in connected bail applications.

JUDGE

Zulfiqar/P.A