

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Bail Application No.1933 of 2020**

---

*Date* *Order with signature of Judge*

---

*For hearing of Bail Application.*

**19.01.2021**

Mr. Rozi Khan Kohistani, Advocate for the Applicant.  
Ms. Rubina Qadir, Deputy Prosecutor General, Sindh.

**ORDER**

**Muhammad Saleem Jessar, J:-** Through this bail application, Applicant Tarique seeks his release on post arrest bail in Crime No.05/2020 of P.S Azizabad, Karachi, under Section 394/34 PPC. The applicant preferred his bail plea before the first forum, which was turned down by means of order dated 06.04.2020; hence, he has approached to this Court through this Application.

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

Learned counsel for the applicant submits that name of the applicant does not transpire in the FIR and he, after his arrest, was not subjected to identification parade. He further submits that co-accused Muhammad Salman has been granted post arrest bail by the trial Court on the ground of Affidavit sworn in by the complainant and the case of applicant is at the par with him. He next submits that nothing incriminating has been recovered from possession of the applicant, which may connect him with commission of the offence. He, therefore, submits that case against applicant requires further inquiry and prays for his release on bail.

On the other hand, learned Deputy P.G, Sindh opposes the bail application on the ground that applicant has been implicated by the complainant and PWs in their respective statements; besides, challan of the case has been filed, hence, it will be appropriate for the applicant to proceed with the trial instead to press instant bail application. She; however, could

not controvert the fact that nothing incriminating has been shown to have recovered from his possession nor after his arrest, was subjected to identification test.

**Heard arguments, record perused.** Admittedly, the name of applicant do not find place in the FIR nor any feature or Hulia mark of the accused has been given. As per challan, applicant was booked under crime No.23/2020 under Section 23(i) (a) of Sindh Arms Act, by Khuwaja Ajmair Nagri police station and during his custody he was interrogated in this case; thereby, I.O had implicated him in this case. The challan does not show whether any incriminating article has been shown to have been recovered from his possession or was produced by him during investigation / interrogation. The co-accused has been bailed out by the trial Court on the ground of Affidavit sworn in by the complainant. Nothing has been brought on record to believe that applicant has got nexus with the crime except oral allegation even after his arrest he was not subjected to identification parade. Mere heinousness of crime will not disentitle to an accused from concession of bail when ultimate conviction, if any, can repair wrong caused by the mistaken relief granted to him; however, if after lengthy trial, he is found innocent then golden days of his life he spent under incarceration cannot be repaired with.

The upshot of above discussion is that the case against applicant requires further inquiry within meaning of subsection 2 to Section 497 Cr.P.C. Consequently, instant bail application is hereby allowed; applicant Tarique son of Zia Uddin, 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.

It need not to iterate 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 will be found misusing the concession of bail.

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

**JUDGE**