

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No.48 of 2021

Date *Order with signature of Judge*

For hearing of Bail Application.

02.03.2021

Mr. Abdul Ghaffar Khan, Advocate along with Applicant (on bail).
Mr. Riasat Ali, D.P.P for the State.

ORDER

Muhammad Saleem Jessar, J:- Through this application, applicant Azhar Hussain seeks his admission on pre-arrest bail in Crime No.802/2020 of Police Station Shakra-e-Faisal, Karachi, under Section 489-F/420 PPC. The bail plea preferred by him before first forum was declined by means of order dated 06.01.2021, 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.

Heard arguments and perused record. Admittedly, incident, as evident from the FIR, is said to have taken place on 11.09.2019 whereas report thereof, was lodged on 17.11.2020 i.e. with delay of about 14 months though the distance between police station and place of occurrence is only one kilometer. The amount involved in this case is Rs.350,000/-; besides, the punishment provided by the law is three years. After furnishing surety before this Court, applicant/accused has surrendered before the trial Court and no complaint has been made for misuse of the concession extended to him.

In view of above and in view of no objection extended by learned D.P.P for the State, the case against applicant requires further inquiry. Consequently, instant bail application is hereby allowed; interim bail granted earlier to applicant **Azhar Hussain son of Walayat Khan** on 12.01.2021 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