

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No.2027 of 2020

<i>Date</i>	<i>Order with signature of Judge</i>
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1. For orders on M.A No.1535/2021.
2. For hearing of Bail Application.

05.03.2021

Ms. Zakia Ashraf, Advocate along with Applicant (on bail).
Mr. Riasat Ali, D.P.P for the State.

ORDER

Muhammad Saleem Jessar, J:- Through this application, applicant Abdul Mateen, seeks his admission on pre-arrest bail in Crime No.535/2020 of Police Station Ferozabad, Karachi, under Section 489-F PPC. The bail plea preferred by the applicant before first forum was declined by means of order dated 10.12.2020, hence this bail 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 out of Rs.497,000/-, applicant has paid up Rs.350,000/- to the complainant and total dues remains to be paid by the applicant are Rs.147,000/-. She, therefore, submits that in view of above settlement, parties have compromised each other outside the Court and to such effect complainant of this case namely Shams-ul-Mateen has also executed an affidavit duly sworn in by him before Assistant Registrar of this Court. In support of her contention, she files copy of compromise deed along with affidavit duly sworn in by the complainant, same are hereby taken on record. She, therefore, submits that applicant after furnishing surety before this Court, has also joined trial proceedings and amount involved in this case is meager one. Hence, she prays for confirmation of bail.

The progress report in respect of Case No.1220/2020 dated 27.01.2021, reveals that the applicant has joined trial before the trial Court.

Learned D.P.P for the State extends his no objection.

Heard arguments and perused record. Since the FIR is delayed for about seven months and the offence with which applicant stands charged, carries maximum punishment upto three (3) years, therefore, does not exceed limits of prohibitory clause of section 497 Cr.P.C. The applicant as per statement at the bar, has paid up major portion of the disputed amount to the complainant through Cheque No.13 51639228 dated 26.02.2021, for which complainant though is not in attendance today due to his ailment, has sworn in his affidavit in the office whereby he has extended his no objection for confirmation of bail as well as grant of bail application.

In view of above and in view of no objection extended by learned D.P.P for the State, case against applicant requires further inquiry. Consequently, instant bail application is hereby allowed; interim bail granted earlier to applicant **Abdul Mateen son of Abdul Manan** on 23.12.2020 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