

ORDER SHEET
**IN THE HIGH COURT OF SINDH, CIRCUIT
COURT, HYDERABAD.**
Cr. Bail Appln.No.S-137 of 2020

DATE

ORDER WITH SIGNATURE OF JUDGE

31.03.2020.

Mr. Muhammad Imran Choudhary, advocate for applicant.
Ms. Safa Hisbani, A.P.G.

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At the very outset, learned counsel for the applicant submits that the applicant due to existing situation of COVID-19 and complete lockdown made by Government of Sindh, has not been able to come, hence prays for condonation of his absence for today. Learned A.P.G has no objection. Order accordingly.

Learned counsel submits that the offences with which applicant stands charged are bailable except section 337-J PPC; however, the ingredients of said section are yet to be proved / established by the prosecution. He further submits that applicant once furnished his surety before this Court is sufficient and his further appearance can be waived off, if merits of the case are favoring him. He next submits that case has been challaned which is now pending trial before the Court of learned Senior Civil Judge, Digree. Counsel, therefore, prays for confirmation of bail to the applicant.

Learned A.P.G opposes the bail application.

Heard arguments and perused record. Admittedly, the applicant has already furnished his surety before this Court, therefore, his further appearance in view of dictum laid down by learned bench of Lahore High Court in case of Maulana FATEH MUHAMMAD versus THE STATE (PLD 1973 Lahore 874) is hereby condoned. As far as, merits of the case are concerned, at the time of offence police have applied sections 269 and 270 PPC; however, after pronouncement of the judgment by this Court, section 337-J PPC was added, which carries maximum punishment of 10 years. Since, the basic ingredients for application of section 337-J PPC are yet to be

established by prosecution and it is to be determined by the trial Court after recording evidence of the parties, whether section 337-J PPC has rightly been applied or otherwise, therefore, at this juncture a prima facie case for bail is made out. Consequently, instant bail application is hereby allowed and the interim order dated 12.02.2020 passed by this Court is hereby confirmed on same terms and conditions. The counsel present undertakes to intimate this order to the accused as well trial Court where the case is pending adjudication. Office is also directed to communicate the copy of this order to learned trial Court by sending the same to learned Sessions Judge concerned over fax today for compliance.

JUDGE

Ahmed/Pa