

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No. 2442 of 2021

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| Date | Order with Signature(s) of Judge(s) |
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For hearing of bail application.

11.04.2022

Mr. Hakim Ali Khan, advocate for applicant/accused.
Mr. Muhammad Ilyas Khan Tanoli, advocate for complainant.
Ms. Rahat Ehsan, Additional Prosecutor General.

Applicant/accused Amir Hasil Khan is present on interim bail granted to him by this Court on 19.01.2022. He seeks pre-arrest bail in Crime No. 304/2020, registered at P.S. Bahadurabad, Karachi under section 489-F, P.P.C. Record shows that after rejection of his bail application by the learned 8th Addl. Session Judge, Karachi-East, vide order dated 02.06.2021, he earlier preferred Cr. Bail Application 1522 of 2021 before this Court wherein, vide order dated 12.08.2021, he was admitted to interim pre-arrest bail by this Court; however, the said Cr. Bail Application was dismissed by this Court on account of his absence before the Court, vide order dated 05.10.2021, by recalling interim bail order, dated 12.08.2021. Thereafter, the applicant filed the instant application without disclosing in the memo of bail application the fact of dismissal of his earlier bail application on 05.10.2021; so also, without assigning any reason for remaining absent on said date; therefore, in view of dictum laid down by the Apex Court in the case of *Mukhtar Ahmed v. The State* (2016 SCMR 2064), his conduct is sufficed to disentitle him to an exercise of discretion in his favour in the second round; hence, instant application is dismissed by recalling the order, dated 19.01.2022, whereby he was admitted to interim pre-arrest bail.

JUDGE

Athar Zai