

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**

Criminal Bail Application No. 739 of 2022

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DATE

ORDER WITH SIGNATURE OF JUDGE

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For hearing of bail application

**13.07.2022**

Syed Tajuddin advocate for the applicant  
Mr. Muhammad Iqbal Awan Addl. P.G

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It is alleged that the applicant with rest of the culprits in furtherance of their common intention misappropriated by practicing fraud and cheating the goods of complainant Osama Rashid which he booked through their truck for which the present case was registered.

2. The applicant, on having been refused pre-arrest bail by learned II-Additional Sessions Judge, Karachi South, has sought for the same from this Court by way of instant bail application under section 498 Cr.PC.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant; the FIR of the incident has been lodged with delay of about four days; the offence alleged against the applicant is not falling within prohibitory clause of section 497 Cr.PC and co-accused Shah Bux and Muhammad Sheeraz have already been

admitted to bail by learned trial Magistrate. By contending so, he sought for pre-arrest bail for the applicant on point of further inquiry and malafide.

4. None has come forward to advance arguments on behalf of the complainant. However, learned Addl.P.G for the State has opposed to grant of pre-arrest bail to the applicant by contending that the principles for grant of post and pre-arrest bail are different.

5. Heard arguments and perused the record.

6. The FIR of the incident has been lodged with delay of about four days, such delay could not be overlooked; the case has finally been challaned, the applicant has joined the trial; there is no allegation of misusing of concession of interim pre arrest bail on the part of applicant, more so co-accused Shah Bux and Muhammad Sheeraz have already been admitted to bail by learned trial Magistrate. In these circumstances no useful purpose would be served to take the applicant in custody and then to admit him to bail on point of consistency.

7. In case of *Muhammad Ramzan vs. Zafarullah and another (1986 SCMR-1380)*, it has been held by the Honourable apex Court that;

*“no useful purpose was likely to be served if bail of accused(respondent) was cancelled on any technical ground because after arrest he could again be allowed bail on the ground that similarly placed other accused were already on bail”.*

8. In view of above, the interim pre-arrest bail already granted to the applicant is confirmed on the same terms and conditions.
9. The instant bail application is disposed of accordingly.

JUDGE