

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appln No.618 of 2021

Date	Order with signature of Judge
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For hearing of bail application

06.12.2021

Mr. Tajamul H. Lodhi, advocate for the applicant
Ms. Seema Zaidi, DPG

Aftab Ahmed Gorar, J.:- The applicant was admitted to pre-arrest bail vide order dated 14.04.2021 and today the matter is fixed for confirmation of said pre-arrest bail.

2. Learned counsel for the applicant while reiterating the grounds mentioned in the memo of bail application submitted that after obtaining pre-arrest bail, the applicant is regularly attending the trial court as well as this court and not misused the concession of pre-arrest bail. Learned counsel for applicant further submitted that the applicant is innocent and has falsely been implicated in this case. He prayed that the pre-arrest bail granted to the applicant vide order dated 14.04.2021 may be confirmed.

3. Learned DPG Sindh submitted that this a heinous case of murder of a young girl aged 20 years only in the name of honour. She submitted that though the applicant himself did not kill the deceased but admittedly he was present at the spot when dead body of deceased was recovered by the I.O. and he was asked to record his statement under section 154 Cr.P.C to which he refused to lodge the FIR on the pretext of honour. She therefore, opposed the confirmation of bail.

4. I have heard the learned counsel for applicant and learned Deputy Prosecutor General Sindh and perused the record.

5. Perusal of the record reveals that no overt act has been assigned to the applicant. Neither there is motive against applicant/accused for commission of

offence nor compliant of misuse of concession of bail or tempering the record has been pointed out. The applicant is regularly appearing in the case before this court as well as trial court. It is not out of context to mention here that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. At bail stage, deeper appreciation of evidence and circumstances appearing in the case are not permitted and only tentative assessment is to be made, however, where accused satisfies the Court that there are reasonable grounds to believe that he is not guilty of such offence, then the Court must release him on bail. Wisdom is sought from the case titled *Yar Muhammad v. The State* and another reported in 2004 YLR 2230.

6. It may not be out of place to mention here that the object of bail is neither punitive nor preventive and therefore, deprivation of liberty must be considered a punishment, unless it may be required to ensure the presence of accused during trial. The punishment begins after conviction and not before it, as in criminal justice system every man is deemed to be innocent until duly found guilty. It needs not to re-emphasize that the purpose of putting the unconvicted persons in custody is nothing but to secure their attendance at the trial. Even otherwise, life and liberty of a citizen is very precious and guaranteed by Article 4 of the Constitution of Islamic Republic of Pakistan, 1973, as has been observed by the Hon'able Supreme Court of Pakistan in the case reported in PLD 1989 SC 585.

7. Keeping in view the above facts and circumstances of the case, I hold that reasonable doubt arises with regard to participation of present applicant in this case. Hence, case of the applicant prima facie calls for further inquiry in terms of subsection 2 of section 497 Cr.P.C. Consequently, the interim pre-arrest bail granted to applicants vide order dated 14.04.2021 is confirmed on same terms and conditions.

8. The instant Criminal Bail Application stands disposed of.

JUDGE