

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appln No.1162 of 2021

Date	Order with signature of Judge
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For hearing of bail application

24.11.2021

Mr. Abdul Basit, advocate for the applicant
Mr. Zahoor Shah, Addl. P.G.
Syed Tasvor Hussain Rizvi, advocate for complainant

Aftab Ahmed Gorar, J.:- The applicant, booked in FIR No.413/2021 under section 448/427/452/506-B/34 PPC registered with Police Station Zaman Town, Karachi, was admitted to pre-arrest bail vide order dated 21.06.2021 and today the matter is fixed for confirmation of said pre-arrest bail or otherwise.

2. I have heard the learned counsel for the parties and perused the record.

3. At the outset, learned Additional Prosecutor General Sindh assisted by the learned Counsel for the complainant opposed the confirmation of bail by apprising the Court that the applicant is nominated in the FIR attributing him specific role of leading the mob which attacked the complainant party duly armed with sticks and stones, caused damage to the property of the complainant as well as illegally dispossessed the original owner of the property, which possession of the disputed property was received by the complainant with the assistance of law enforcement agencies in compliance of the order passed by Court below. When confronted, learned counsel for the applicant could not rebut the above arguments rather started reiterating the grounds mentioned in the memo of bail application and prayed for confirmation of pre-arrest bail earlier granted to the applicant. Moreover, the applicant-accused has failed to show a single malafide on the part of complainant for false implication in the case and there appears no

reasonable ground to believe that he was not guilty of the offence alleged against him. Apart from above facts, the applicant after obtaining interim pre-arrest bail did not join the investigation, which ground alone also disentitles him for concession of bail. In this view of the matter, taking a tentative assessment of the available record, the applicant being prima facie linked with the commission of the offence is held disentitled to the concession of bail. Resultantly, the interim pre-arrest bail granted to the applicant vide order dated 21.06.2021 is recalled and the Bail Application is dismissed. The applicant is present in Court he is taken into custody and remanded to Central Jail, Karachi.

4. Before parting with this order, it is directed that any observations recorded in this order, being purely tentative in nature, should in no way prejudice the proceedings before the learned trial Court where the case be decided on its own merits.

JUDGE