

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CrI. Bail Application No. 128 of 2021.

Date

Order with signature of Judge

For hearing of bail application.

24th June 2021.

Mr. Sikandar Adil, advocate alongwith applicant /accused
Mr. Faheem Hussain Panhwar, DPG.
Mr. Khashif Hasnain, advocate for complainant.

Heard and perused record.

Admittedly, complainant, who is son-in-law of applicant's brother, present and contends that he paid Rs.7,000,000/- for business purpose, as security he received original property documents which are lying with him. Further it is contended by the complainant that his wife has left to her parents alongwith kid. Admittedly, case is pending before the trial court and punishment is not more than three years; no purpose would be served if instant pre-arrest bail is dismissed and applicant is remanded to the custody to move the application for bail after arrest. Besides, controversy with regard to civil dispute and matrimonial dispute create smoke on the screen, hence, malice in fact cannot be ruled out latently or patently. Accordingly, interim pre-arrest bail already granted to the applicant/accused is hereby confirmed on the same terms and conditions.

The instant bail application is disposed of in the above terms.

J U D G E

SAJID

During trial learned trial judge while exercising power under Section 190 (2) Cr.P.C. on the plea that SIP Kashif Baig has destroyed the investigation by not collecting the evidence the unveil the real culprit and issued NBW against Mst. Somaira Malik, who was not accused. It is a matter of fact that Somaira Malik was not arraigned and at the trial application under Section 193 Cr.PC was also not preferred, hence, impugned order is against the settled principles of law. Besides, trial court was not competent to issue pre-trial verdict during trial against any witness or I.O. hence, Impugned Order is set aside, trial shall proceed with the matter against the accused, who was sent up by the prosecution. Trial court shall conclude the trial preferably within three months.

Judge