

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S- 1180 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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05.12.2022.

Mr. Muhammad Yousif Kalhoro, Advocate for applicant
alongwith applicant (on bail).

Ms. Safa Hisbani, A.P.G for State.

ORDER

Muhammad Saleem Jessar, J.- Through instant application, applicant Asadullah Shahook seeks his admission on pre-arrest bail in Crime No.62 of 2022 registered at P.S Bhitshah under Sections 406, 420 PPC.

2. Learned counsel for the applicant submits certified copy of case diary dated 11.112022 issued by trial Court / Civil Judge & Judicial Magistrate-II, Hala which shows the applicant after furnishing surety before this Court has joined the trial proceedings. Learned counsel submits that victim ladies namely Mst. Kareeman, Mst. Rahat Khakheli and Mst. Husna Magsi have sworn in their affidavits whereby they have exonerated the applicant from commission of offence hence the case against applicant requires further inquiry and prayed for confirmation of his bail.

3. On the other hand, learned A.P.G appearing for State opposes the bail application on the ground that the offences with which the applicant stands charged are non-compoundable. She; however, could not controvert the fact that ladies who have been shown as victims of

the crime have categorically denied the allegation leveled by prosecution against the applicant.

4. Heard. Record perused.

5. No doubt the applicant has been named under FIR besides allegation against him is that he allegedly cheated / misappropriated the amount issued by Federal Government in favour of the ladies therefore, prosecution filed instant case. The victim ladies namely Mst. Kareeman, Mst. Rahat Khakheli and Mst. Husna Magsi have filed their respective affidavits before this Court on 19.11.2022 whereby they have exonerated the applicant and categorically stated that entire amount of Rs.25,000/- was paid to them and not a single penny was deducted as alleged by the prosecution. The offence with which the applicant stands charged carries maximum punishment upto 07 years hence does not exceeds the limits of prohibitory clause of Section 497 Cr.P.C and the applicant as per prosecution case has also surrendered before the trial Court and has not misused the concession extended to him. Accordingly and in view of dictum laid down by Honourable Supreme Court in the case of MUHAMMAD TANVEER v. The STATE and another (PLD 2017 Supreme Court 733), the case against applicant requires further inquiry as envisaged under sub-section (2) to Section 497 Cr.P.C. Accordingly, instant bail application is allowed and the interim pre-arrest bail already granted to applicant on 04.11.2022 is hereby confirmed on same terms and conditions. However, applicant is directed to continue his appearance before the trial Court, without fail.

JUDGE

