

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-1376 of 2022

| DATE | ORDER WITH SIGNATURE OF JUDGE(S) |
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1. For orders on MA-12458/2022.
2. For orders on office objections.
3. For orders on MA-12489/2022.
4. For hearing of main case.

19.12.2022.

Mr. Muhammad Sharif Sahito, Advocate for applicant alongwith
applicant Nazir Ahmed.

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1. Granted.
2. Overruled.
3. Granted subject to all just legal exceptions.
4. Mr. Tarique Shams Mangi, Advocate by filing his Vakalatnama on behalf of complainant waives notice of the application and submits no objection / Affidavit on behalf of complainant; taken on record. He further submits that complainant as well accused have entered outside the Court settlement; therefore, he has no objection if by granting this application, applicant may be admitted to pre-arrest bail.

Mr. Abdul Waheed Bijarani, learned Assistant P.G present in Court in connection with other cases, waives notice of the application and in view of above extends his no objection for grant of bail application

Heard and Record perused. Since the offence with which the applicant is charged carries maximum punishment upto three years and is triable by the Court of Judicial Magistrate, where after recording evidence if prosecution may succeed to prove charge against the accused, even then punishment of more than three years cannot be visualized. Besides; the section(s) applied in F.I.R is bailable. In the circumstances and in view of dicta laid down by the Hon'ble Supreme Court of Pakistan in the cases of **KHALIL AHMED SOOMRO & Others v. The STATE (PLD 2017 Supreme Court 730)** and **MUHAMMAD TANVEER v. The STATE & another (PLD 2017 Supreme Court 733)**, the case against applicant requires further inquiry as envisaged under sub-section (2) of Section 497 Cr.P.C.

Accordingly, instant bail application is hereby allowed. Consequently, applicant Nazir Ahmed is admitted to pre-arrest bail in Crime No.259 of 2022 of P.S Hatri under Section 489-F PPC, subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac) and P.R Bond in the like amount to the satisfaction of Additional Registrar of this Court. After furnishing surety before this Court, applicant shall join investigation as well trial, as the case may be, and submit such proof before this Court through Additional Registrar. Application stands disposed of in above terms. A copy of order be communicated over fax to learned Sessions Judge, Hyderabad as well I.O through SHO PS. Hatri for compliance.

It is pertinent to mention here that the observation(s) made hereinabove is/are tentative in nature and shall not prejudice the case of either party during trial.

JUDGE

Shahid