

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Crl. Bail Application No. 158 of 2016

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

Disposed of matter:

For further orders in view of court's order dated 30.9.2016.

04.12.2018

Mr. Muhammad Ramzan, Advocate for applicant/surety.
Ms. Seema Zaidi, DPG for State.

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On 29-1-2016 the accused Abdul Wahab was granted interim pre-arrest bail subject to his furnishing a solvent surety in the amount of Rs. 300,000. Babar Ali s/o Marghoob Ahmed furnished the surety on behalf of the accused on 30-1-2016. Subsequently, the accused did not appear and the interim pre-arrest bail granted to him was recalled. Notice was issued to the surety as to why a penalty should not be levied against him. Babr Ali appeared and sought time to locate the accused. Time was granted on several occasions but the accused remained absent. Finally, today, the surety Babar Ali submits that in spite of his best efforts he has failed to produce the accused. Babar Ali further submits that he has no objection if a penalty is levied against him but prays that the Court take a lenient view as he had stood surety on a humanitarian ground and that he has tried his utmost to locate the accused.

I have gone through the record of the proceedings and observe that the conduct of the accused has been far from satisfactory both before the learned trial court and again before this court. The conduct of the surety before this court since the time notice was issued to him has also not been satisfactory and I observe that on several occasions he appeared only to remain absent on subsequent proceedings. It appears that the only time the surety took the notices of this Court seriously is when his NIC was ordered to be blocked by this Court on 15-5-2018 and Bailable Warrants issued against him on 22.10.2018.

In view of the above, I do not find the reply of the surety Babar Ali satisfactory. I am not convinced that any leniency is required. The entire amount of Rs. 300,000 may be recovered from Babar Ali.

JUDGE