

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 1988 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

23-02-2023

Mr. Jehangir, Advocate for applicant.
Ms. Robina Qadir, Addl.P.G.

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Omar Sial, J: Usama has sought post arrest bail in crime number 248 of 2022 registered under sections 397 and 34 P.P.C. at the Shakra-e-Noor-Jehan police station. Earlier, his application seeking bail was dismissed on 21.07.2022 by the learned 5th Additional Sessions Judge, Karachi Central.

2. On 16.04.2022 a man by the name of Khalid registered the aforementioned F.I.R. reporting an offence that had occurred on 14.04.2022. He recorded that while he was driving his motorcycle, 2 unidentified men intercepted him and took away the motorcycle.

3. The unfortunate thing in this case is that the learned Addl.P.G. has been unable to assist me to explain as to how the present applicant was arrested and what was the evidence that was against him to enable his arrest and involvement in the said case. Looking at the state of affairs the hearing was adjourned on 4 occasions so that the investigating officer of the case could come and assist the learned Addl.P.G. so that the court is apprised of the facts of the case, as the F.I.R. does not reveal much. Neither did the complainant bother to respond to notices sent to him nor did the investigating officer. A person cannot be kept in custody indefinitely due to the total apathy of the State. Sufficient opportunities have been granted to the Prosecutor General's office, the investigating officer and the complainant to come and argue their stance. Regrettably, they seem the least interested to do so.

4. In view of the evidence shown to me, which is negligible, the case against the applicant is one of further inquiry.
5. Above are the reasons for my short order dated 20.02.2023.

JUDGE