

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 125 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

08-03-2023

Mr. Liaquat Ali Khan, Advocate a/w applicant.

Ms. Robina Qadir, Addl.P.G.

=====

Omar Sial, J: Ghulam Abbas has sought pre-arrest bail in crime number 42 of 2018 registered under section 6 and 9(b) of the CNS Act, 1997 at the NKIA police station. Earlier, his application seeking bail was dismissed on 23.08.2022 by the learned 1st Additional Sessions Judge, Karachi Central.

2. A background to the case is that it is alleged by the prosecution that on 11.02.2018 the applicant was apprehended with 470 grams of charas in his possession. The applicant was admitted to post arrest bail by the learned Special Court-1 (CNS) Karachi on 24.02.2018 however the same was cancelled by the 1st Additional Sessions Judge, Karachi Central when the case was transferred to his court as the applicant had remained absent.

3. I have heard the learned counsel for the applicant as well as the learned Additional P.G. It appears that the reason for the applicant to remain absent before the learned trial court was that he had been arrested in another case and was therefore unable to inform the court. He accepts that he has made a mistake and that his next of kin should have informed the learned trial court about the reasons for his non-appearance. While I am of the view that the learned trial court was absolutely correct in cancelling the bail for the non-appearance of the applicant, it was perhaps not aware that the applicant was confined in jail. Taking a lenient view and after an undertaking given by the applicant that he will be more diligent in future, the interim pre-arrest given to the applicant earlier is confirmed on the same terms and conditions.

JUDGE