

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 640 of 2023

Date of hearing	Order with signature of Judge
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For hearing of bail application

1. For orders on office objections at Flag-A
2. For hearing of bail application

23.10.2023

Mr. Ayaz Ahmed Noonari, Advocate for applicant.
Mr. Aftab Ahmed Shar, Additional Prosecutor General.

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Muhammad Iqbal Kalhoro, J. – Applicant was arrested by police of Police Station Salehpat during patrolling on 17.06.2023 at 1630 hours from a road between Salehpat and Rohri near Khahi Stop within jurisdiction of said police station, and from him five (05) kilograms of charas was recovered; hence, FIR.

2. Applicant’s Counsel has argued that applicant is innocent; that no private person was associated to witness the incident in compliance of Section 103 CrPC; that before registration of FIR, sister of applicant had filed an application U/S 491 CrPC on 16.06.2023 against illegal confinement of the applicant; hence, the case requires further inquiry. His arguments have been opposed by learned Additional Prosecutor General. He has relied upon the cases reported in **2021 SCMR 1773** and **2021 SCMR 1212**.

3. I have heard the parties and perused material available on record and taken guidance from the case law cited at bar. *Prima facie*, there is reasonable evidence against the applicant, and there is nothing on record to show that there is any enmity between the police and the applicant to give rise to his false implication in this case, which is considered to be against the society. The factum of filing an application U/S 491 CrPC and its outcome, which in any

case, worked out in favour of prosecution, cannot be appreciated at this stage and is better to be left to the discretion of trial Court to evaluate in the trial. No case for bail is made out in view of allegation of recovery of 5 Kg of charas from applicant.

4. Accordingly, this application is **dismissed**. However, the trial Court is directed to expedite the trial and examine the material witnesses preferably within a period of two (02) months, where after applicant would be at liberty to file an application before the trial Court for a fresh consideration in accordance with law.

5. The observations, as above, are tentative in nature and not meant to affect merits of the case before the trial Court.

The bail application stands **disposed of** in the above terms.

Abdul Basit

J U D G E