

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 1807 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of Bail Application

01.11.2023:

Mr. Sajjad Gul Khatri Advocate along with for the Applicant
Mr. Muhammad Iqbal Awan, Additional Prosecutor General
Sindh
SIP Gohar Mehmood P.S. Artillery Maidan
.....

Omar Sial, J: Applicant Imran son of Muhammad Hussain, has sought pre-arrest bail in crime number 57 of 2023 registered under section 392, 397, 34 P.P.C. at Artillery Maidan police station. Earlier, his application seeking bail was dismissed on 15.07.2023 by the learned 11th Additional Sessions Judge, Karachi-South.

2. The F.I.R. mentioned above was registered on 14.06.2023 on the complaint of one Shoaib Ali, who reported that he and his family had come to Frere Hall, Abdullah Haroon Road, Karachi earlier that day. At about 2100 hours, three boys on one motorcycle reached there; out of them, one took out a pistol, shot one fire in the air and directed Shoaib and his family to keep quiet; otherwise, he would shoot them. The boy sitting on the rear seat of the motor motorcycle snatched the complainant's mobile phone, and while they were trying to escape from there, the complainant raised commotion which attracted to police party. ASI Ali Akbar, on the pointation of complainant arrested one boy who disclosed his name as Zubair while his two companions made their escape good on motor cycle. The applicant Imran was subsequently nominated in the case on Zubair's disclosure that he was one of his companions.

3. I have heard the learned counsel for the applicant and the learned Additional Prosecutor General for the State. The complainant did not affect an appearance despite notice.

4. There only reason that the applicant was nominated in the crime is because of a statement made by Zubair. This may not be enough to deny the applicant bail at this stage. As the applicant was not arrested from the spot and no description of the accused was given by the complainant, at this stage I am giving the benefit of any malafide to the accused. The applicant is directed to fully co-operate with the investigating officer of the case. He shall go to the relevant police station by or before the November 10, 2023 and meet with the investigating officer and answer all his questions. In the event the applicant does not join investigation the investigating officer shall inform this court on the next date when this case is being fixed. Applicant's counsel shall inform his client accordingly and further warn him that if he does not join the investigation the concession of bail being granted today shall be withdrawn.

5. Given the above, the interim pre-arrest bail granted to the applicant is confirmed on the same terms and conditions. However, this case should be put up for directions on 13.11.2023 on which date the applicant and the investigating officer will both be present. A copy of this order should be sent to the learned counsel for the applicant so that he can inform the applicant of the contents of paragraph 4 above. Similarly, a copy of the order should also be sent to the learned Additional Prosecutor General as well as the investigating officer of the case to note the contents of the preceding paragraph.

JUDGE