

IN THE HIGH COURT OF SINDH AT KARACHI**Crl. Bail Application No. 2553 of 2023**

Applicant : Arshad
through Mr. Muhammad Asif Shaikh, Advocate

Respondent : The State
through Mr. Muntazir Mehdi, Addl.P.G.
along with PI Amir Ishfaque and complainant

Date of short order: 28th November, 2023

Date of reasons : 4th December, 2023

ORDER

Omar Sial, J: Arshad has sought post-arrest bail in crime number 438 of 2023, registered under sections 380 and 457 P.P.C. at the Liaquatabad police station. His earlier bail plea was dismissed on 26.10.2023 by the learned 1st Additional Sessions Judge, Karachi Central.

2. The F.I.R. mentioned above was registered on 15.09.2023 on the complaint of Sheeraz Ahmed. Sheeraz recorded that earlier that day, he and his family had gone to a marriage ceremony, and when they returned, he found some cash and gold ornaments missing.

3. I have heard the learned counsel for the applicant and the learned Additional Prosecutor General. The complainant was present but did not wish to engage a counsel.

4. The complainant has explained very honestly what happened in this case. Arshad is the complainant's brother-in-law, who doesn't work but often visits their home. Prima facie greed got into him, and he swiped the cash and gold. When grilled by the police, he returned all the valuables to the complainant. The complainant is still married but very disappointed and dismayed at the acts of his brother-in-law. Upon a tentative assessment,

the trespass charge requires further inquiry since the applicant is the brother-in-law and perhaps was permitted to come to his sister's house. As the applicant returned all the cash and gold to his brother-in-law, no purpose would be served to keep the applicant confined in prison during the trial. The punishment for an offence under section 380 P.P.C. falls within the non-prohibitory clause of section 497 Cr.P.C., and keeping the principles enunciated in Tariq Bashir and 5 others vs The State (PLD 1995 SC 34) in mind, I do not see any exceptional or extraordinary grounds to deny the applicant bail.

5. Above are the reasons for the short order dated 28.11.2023.

JUDGE