

PRESENTED ON
10-06-2023

Deputy Registrar (Judl)

IN THE HIGH COURT OF SINDH AT KARACHI 2840

Bail Application No. 1246 /2023

Ameer Bux Suhag
S/o Muhammad Saleh Suhag,
Muslim, Adult,
Resident of Karachi,
Presently confined in
Central Jail, Karachi-----APPLICANT/ACCUSED

VERSUS

The state-----RESPONDENT

FIR No. 98/2023
U/S 9(1)3(C) CNS(A)A
P.S SIU

BAIL APPLICATION
UNDER SECTION 497 Cr.P.C.

Being aggrieved and dissatisfied by the impugned order dated 02-06-2023, passed by the learned IIIRD Additional Sessions Judge East, Karachi in Bail Application No.2812/2023 whereby the learned Trial Court dismissed the bail application of the present applicant / accused, hence the instant bail application on the following facts and grounds:- (Certified Copies of Order Dated 02-06-2023 alongwith Memo of Bail Application No.2812/2023 are attached herewith as annexure A & A/1).

BRIEF FACTS

Brief facts of the case narrated by the complainant are that, I ASI Allah Rakhio along

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1246 of 2023
(Ameer Bux SuhagV/sThe State)

Date	Order with signature of Judge
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For hearing of bail application

12.7.2023

Mr. Aamir Ali Bhutto, advocate for the applicant.
Mr. Siraj Ali Khan, Additional PG along with SIP Shahzad Baig, Police Station SIU.

Through this bail application, the applicant Ameer Bux Suhag son of Muhammad Saleh Suhag seeks post-arrest bail in Crime No.98/2023, registered under Section 9(i) 3 (c) CNS Amended Act. 2022 at PS SIU. Applicant's earlier filed Bail Application bearing No.2812/2023, which was dismissed by the learned III-Additional District & Sessions Judge Karachi East vide order dated 02.06.2023, hence this bail application.

2. The learned counsel for the applicant has contended that: the latter is innocent; the applicant has been falsely involved in the case with mala fide intention; story as narrated in the FIR is false, frivolous and concocted; the applicant has not committed the alleged offence; investigation qua the applicant has been completed and he is no more required for the purposes thereof; no incriminating material was recovered from the applicant as alleged; the applicant has been made an escape goat; the applicant has been incarcerated for more than three months; further incarceration of the applicant will not serve any useful purpose; alleged offence does not fall within the prohibitory clause of section 497 of Cr.P.C.; there is no chance of abscondance of the applicant or tampering with the prosecution evidence; report of chemical examiner is doubtful; the applicant has no concern whatsoever with the alleged offence; no private witness was associated during recovery proceedings; recovery if any is fake and planted; offences are not attracted against the applicant; there is no evidence against the applicant; the case of the applicant comes within the ambit of further probe; hence the learned counsel urges the applicant to be released on bail. He next submitted that it is settled law that at the bail stage deeper appreciation of evidence cannot be gone into and only it is to be seen as to whether the applicant is prima facie connected with the

implication, this issue cannot be attended to without going beyond the barriers of tentative assessment, an exercise prohibited by law.

6. In the above circumstances, I do not find the applicant entitled to bail at this stage of the case. Accordingly, the bail plea is hereby dismissed. As the trial is required to be commenced forthwith, therefore, learned trial Court is directed to conclude the trial within one month positively, and strong reasons shall be forwarded if the trial is not concluded within time.

7. The observations made hereinabove are tentative and the trial court shall not be influenced with the same while deciding the case on merits.

Shahzad Soomro

JUDGE
17/12