

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 2633 of 2023
(Mst. Asiya Bibi v. The State)

Date	Order with signature of Judge
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For hearing of bail application

10.05.2024

Mr. Pias Ali Soomro, advocate for the applicant
Ms. Abida Parveen Channar, Special Prosecutor ANF

It is the case of the prosecution that the applicant and co-accused Islamuddin were found in possession of 07 kilograms of Charas, for which the present case was registered.

The applicant having been refused bail by the learned Special Court-II (CNS) Karachi has sought for the same from this Court by way of instant bail application under Section 497 Cr.P.C.

It is contended by learned counsel for the applicant that the applicant is innocent and has been involved in this case falsely by the police by foisting upon her charas; there is no independent witness to the incident and the evidence brought on record by the prosecution is contradictory, therefore, the applicant is entitled to be released on bail on point of further inquiry, which is opposed by learned Special Prosecutor ANF by contending that the case is fixed for its final disposal.

Heard arguments and perused the record.

The applicant is named in FIR with a specific allegation that she and co-accused Islamuddin were found in possession of 07 kilograms of charas, which is reported to be positive. In that situation, it would be

premature to say that the applicant being innocent has been involved in this case falsely by the police officials by foisting upon her the charges. The police officials are as good witnesses as others until and unless some malafide is alleged against them, which is lacking in the present case; they even otherwise could not be disbelieved by this Court at this stage. The offence which the applicant is alleged to have committed is affecting society at large. The case is on the verge of its final disposal, therefore, discussion of the evidence by this court at this stage is not called for for the reason that it would affect the merits of the case. There appear reasonable grounds to believe that the applicant is guilty of the offence, with which she is charged; thus, no case for her release on bail on point of further inquiry is made out.

In view of above, the instant bail application is dismissed.

J U D G E