

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.702 of 2024

Applicant : Muhammad Saleem son of Gul Muhammad
None present.

Respondent : The State
Through Mr. Saleem Akhtar Buriro, Addl.
P.G. Sindh

Date of hearing : 09.07.2024

Date of order : 09.07.2024

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks pre-arrest bail in Crime No.25/2024 for the offence under Section 381-A PPC at PS New Karachi, after his bail plea has been declined by Addl. Sessions Judge-VII/MCTC-02, Karachi Central vide order dated 07.03.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Applicant and his counsel are called absent without intimation. Same was the position on last two dates of hearing. From perusal of record, it appears that the instant bail application was presented on 25.03.2024 and first time fixed before this Court on 27.03.2024 but surprisingly, applicant was not present nor any interim pre-arrest bail order was passed and since then no further progress is made in the instant case. In such situation, learned Addl. P.G. is directed to read over the FIR. Accordingly, he has read over the FIR.

4. From perusal of record, it reflects that name of the applicant does not appear in the FIR; however, when he was arrested in Crime No.05/2024 of PS Gizri then during interrogation, he pointed out regarding theft car, stolen in this case and that he parked that stolen car at the workshop where he led the police, who recovered the same. As per police file, the Forensic examination of the subject car revealed that original chassis number was removed and a fake chassis number was punched over it. At bail stage, only tentative assessment is to be made. No malafide or ill-will or enmity has been pleaded by the

applicant/accused, which could be the ground for false implication in this case.

5. Further, the concession of pre-arrest bail cannot be allowed to an accused person unless the Court feels satisfied with the seriousness of the accused person's assertion regarding his intended arrest being actuated by *mala fide* on the part of the complainant party or the local police but not a word about this crucial aspect of the matter is found as no *mala fide* is made on the part of the complainant to believe that the applicant/accused has been implicated in this case falsely. In this context, the reliance is placed to the case of '**Rana Abdul Khaliq v. The STATE and others**' [2019 SCMR 1129]. In addition to the above, I would like to mention that grant of pre-arrest bail is an extraordinary remedy in criminal jurisdiction; it is a diversion of the usual course of law, arrest in cognizable cases; protection to the innocent being hounded on trump up charges through abuse of process of law, therefore, an applicant seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of *mala fide*, it is not a substitute for post-arrest bail in every run of the mill criminal case as it seriously hampers the course of the investigation.

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

JUDGE

Kamran/PA