

# IN THE HIGH COURT OF SINDH, KARACHI

## **Criminal Bail Application No. 1826 of 2024**

<i>Date</i>	<i>Order with signature of Judge</i>
<b>Applicants</b>	: Mr. Khuda Dino Sangi, Advocate
1. Punhoon son of Ali Muhammad Gabol	is holding brief on behalf of Mr. Abdul Qadir Soomro, Advocate for the Applicants.
2. Abdul Sattar son of Han Muhammad	
3. Dadla son of Ali Muhammad Gabol	
4. Muhammad Hanif Son of Muhammad Essa	
5. Bashir Ahmed son of Bahawal Khan Gabol	
6. Abdul Raazak son of Bahawal Khan Gabol (present on bail)	
<b>The State</b>	: Through Mr. Saleem Akhtar Buriro, Addl. Prosecutor General, Sindh along with ASI Aftab Ali Shah.
<b>Date of hearing</b>	: 07.10.2024
<b>Date of order</b>	: 07.10.2024

### **ORDER**

**Muhammad Saleem Jessar, J:-** Through this application, applicants Punhoon, Abdul Sattar, Dadla, Muhammad Hanif, Bashir Ahmed and Abdul Razzak seek their admission to pre-arrest bail in Crime No.475 of 2024 registered with Police Station Gaddap City, Karachi, for the offence punishable to Section 379, 454, 457 & 34 PPC. The applicant preferred their anticipatory bail before the Court of Sessions wherefrom it was assigned to Addl. Sessions Judge-VIII, Malir Karachi vide Criminal Bail Application No.3737 of 2024 (re-Punhoon and others Versus The State), who after hearing the parties, has turned down their request through order dated 10.08.2024; hence, instant bail application has been maintained.

2. Since the facts of the prosecution case are already mentioned in the FIR, which is annexed with the Court file, therefore, there is no need to reproduce the same.

3. Applicants are present in person on bail; however, their counsel, as intimated by Mr. Khuda Dino Sangi, Advocate, is busy before another Bench. He, therefore, submits that case has been challaned which is now pending for trial before the Court of Civil Judge & Judicial Magistrate-IX, Malir Karachi where case against them has been adjourned to 24.10.2024; hence, he, while holding brief, prays for confirmation of bail.

4. On the other hand, learned Addl. P.G, Sindh appearing for the State, opposes the bail application.

5. The complainant, inspite of notice, has chosen to remain absent without intimation.

6. **Heard arguments and perused record.** No doubt, the applicants are nominated in the FIR and the allegation against them is that they have stolen away a gattar cover (drain manhole) from Behria Town. The offence with which applicants have been charged, carries maximum punishment of seven years; besides, the case is being tried by the Court of Judicial Magistrate where after recording evidence if prosecution may succeed to prove its charge against the applicants even then punishment of more than three years cannot be visualized. Reliance can be placed upon the case of MANZOOR ALI alias MUMTAZ Versus THE STATE (2001 P.Cr.L.J 344).

7. In the circumstances and in view of dicta laid down by the Hon'ble Supreme Court of Pakistan in case of *MUHAMMAD TANVEER Versus The STATE and another (PLD 2017 SC 733)*, case against the applicants requires further inquiry in terms of subsection (2) to section 497 Cr.P.C. Consequently, instant bail application is hereby allowed; interim bail granted earlier to applicants **(i) Punhoon son of Ali Muhmmad Gabol, (ii) Abdul Sattar son of Han Muhammad, (iii) Dadla son of Ali Muhammad Gabol, (iv) Muhammad Hanif son of Muhammad Essa Gabol, (v) Bashir Ahmed son of Bahawal Khan Gabol and (vi) Abdul Razzak son of**

**Bahawal Khan Gabol** on 13.08.2024 is hereby confirmed on same terms and conditions.

8. Applicants present before the Court are directed to continue their appearance before the trial Court without negligence and in case they may misuse the concession or may temper with the prosecution's evidence then the trial Court would be competent to take legal action against them as well to their surety(ies) in terms of Section 514 Cr.PC. Trial Court is also hereby directed to make necessary arrangements for securing attendance of the prosecution witnesses and conclude the trial within shortest possible time under intimation to this Court through MIT-II.

9. Let copy of this Order be communicated to trial Court through learned Sessions Judge, concerned. Learned MIT-II to ensure compliance.

***JUDGE***

Zulfiqar/P.A