

ORDER SHEET  
THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Appln No. 2026 of 2022.

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Date:                   Order with signature(s) of the Judge(s)  
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For Hearing of Bail Application.

30<sup>th</sup> November, 2022.

Mr. Muhammad Naseeruddin advocate for th Applicant.  
Ms. Rahat Ehsan, Addl. P. G. Sindh a/w ASI-Saleem Akhtar, CRO  
Branch and ASI-Abdul Wali of PS Clifton.

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Through instant bail application, the applicant seeks post arrest bail in FIR No.392/2022, registered at P.S. Clifton, Karachi for offence under Sections 379/34 PPC.

2. Heard counsel, perused the record.
3. At the outset learned counsel for the Applicant contends that despite of Applicant arrest at the spot maximum punishment is upto three years or with fine, or with both. As yet it is discretion of the trial court to proceed with the case and decide the fate and quantum of conviction or fine that can be even lesser than three years. He further contends that in view of view of Tariq Bashir case (PLD 1995 SC 34), bail in the offences which are not falling within the prohibitory clause is a right unless it is *prima facie* shows that there is apprehension that the applicant would repeat the offence, will abscond or will tamper with the prosecution evidence; all three *exceptions* are not taken by the prosecution though there is criminal history of Applicant; applicant is behind the bar since last two months in the present case, therefore, applicant is admitted on post arrest bail in the sum of Rs.20,000/- with P.R. bonds in the like amount to the satisfaction of the trial Court with rider that if trial court is intimated that applicant/accused has repeated similar type of offence during trial, trial court would be at liberty to remand the applicant in custody without making any reference and this bail would be ceased to its effect.
4. Needless to mention that the above observations are purely tentative in nature and would not prejudice to the merits of case.

JUDGE