

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Criminal Bail Application No.55 of 2018

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Date                      Order with signature(s) of Judge(s)  
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For hearing of bail application  
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**21.02.2018**

Mr. Shaukat Ali Shah, advocate for applicant  
Mr. Muhammad Iqbal Awan, D.P.G. a/w PI Najamuddin of P.S.  
Shershah  
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Applicant/accused Sajjid son of Nasir seeks post arrest bail in F.I.R. No.125/2016 registered at P.S. Pakistan Bazar under sections 23(1)(a) of the Sindh Arms Act, 2013. It appears that after submission of challan, applicant/accused applied for bail before learned Additional Sessions Judge-I/Anti-Terrorism Court, Karachi West but the bail was refused by the trial court vide order dated 13.07.2017.

2. It appears that applicant/accused applied for bail in main case, bearing Crime No.124/2016, registered at P.S. Pakistan Bazar, Karachi under sections 353, 324, 34 PPC read with section 7 of Anti-Terrorism Act, 1997, concession of bail was extended to him by this Court in Criminal Bail Application No.1777/2017 vide order dated 15.12.2017, subject to furnishing solvent surety in the sum of Rs.50,000/- and P.R. bond in the like amount to the satisfaction of the trial court. Thereafter, aforesaid bail application is filed.

3. Counsel for the applicant/accused submits that applicant/accused has already been granted bail in the main case and this is offshoot case. He has further submitted that applicant/accused is in custody for a period of more than two years, yet trial has not been concluded and only one PW has been examined before the trial court. Serious mala fide on the part of the IO has been alleged.

4. Mr. Muhammad Iqbal Awan, learned D.P.G. has recorded no objection for grant of bail to the applicant/accused on the ground that in the main case applicant/accused has already been granted bail by this Court.

5. It appears that in the main case bearing crime No.124/2016, registered at P.S. Pakistan Bazar, under sections 353, 324, 34 PPC read with section 7 of

the Anti-Terrorism Act, 1997, applicant/accused has already been extended concession of bail in Criminal Bail Application No.1777/2017 vide order dated 15.12.2017 for the following reasons:

“7. We are inclined to grant bail to the applicant/accused for the reasons that despite firing by the accused at police party as alleged by the prosecution not a single injury was caused to the police officials. Prosecution has to prove at trial that as to how applicant/accused sustained firearm injury at leg, when he was sitting on back seat of motorcycle. No blood was found at the place of wardat. Ingredients of sections 353, 324, 34, PPC are yet to be determined at trial as to whether encounter had actually been taken place or not. The applicant/accused is in custody since last more than 20 months, yet trial is not concluded. Therefore, keeping in view the facts and circumstances of the case, prima facie, case against applicant/accused requires further inquiry as contemplated under subsection (2) of Section 497 Cr.P.C. Thus, concession of bail is extended to applicant/accused Sajjid son of Nasir, subject to his furnishing solvent surety in the sum of Rs.50,000/- (*Fifty Thousand*), and P.R bond in the like amount to the satisfaction of trial court.”

6. Since this is the offshoot case, applicant/accused is in jail since last more than two years, trial has not been concluded by the trial court, yet only one PW has been examined by the prosecution before the trial court. Prima facie, case against applicant/accused requires further inquiry as contemplated under subsection (2) of Section 497 Cr.P.C. Thus, concession of bail is extended to applicant/accused Sajjid son of Nasir, subject to his furnishing solvent surety in the sum of Rs.50,000/- (*Fifty Thousand*), and P.R bond in the like amount to the satisfaction of trial court.

7. Needless, to mention here that the observations made hereinabove are tentative in nature and would not influence the trial court while deciding the case of the applicant/accused on merits.

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