

ORDER SHEET
**THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S-251 of 2022.

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objections.
For hearing of main case.

22.08.2022.

Mr. Ghulamullah Chang advocate for the applicant.
Mr. Shahzado Saleem Nahiyoan, Additional Prosecutor General.
Applicant is present on ad-interim pre-arrest bail.
Complainant is present in person.

ORDER

MUHAMMAD IQBAL KALHORU, J:- Complainant's son died in a hit and run accident by Dome Van No. CV-4145 near Qasim Chowk Hyderabad on 19.12.2021 driven by co-accused Lal Bux who has since been arrested and is in jail. Applicant has been booked in this case on the ground that he is owner of said vehicle and allowed the driver to drive his vehicle even after latter's learner's driving license had expired.

Learned defence counsel has pleaded for bail stating that prima facie there is no evidence that applicant had any knowledge about expiry of license of his driver or that he is responsible for the same or the accident.

Learned Additional PG has opposed the bail to applicant so also complainant who is present in person.

Admittedly, this is an accident case and there is no enmity between the parties. The vehicle was not driven by applicant but by co-accused who is in jail. In the investigation Section 322 PPC has been added but its applicability to the applicant has yet to be determined in the trial. Even otherwise, Section 322 PPC is primarily punishable for diyat only. Then the questions, as to whether the applicant was in knowledge of the fact of expiry of driving licence of his driver, and if yes, whether he knowingly and consciously let him drive his vehicle putting life of people at risk can only be answered after recording of evidence. In the facts and

circumstances, the case against applicant is of further inquiry. The bail application is allowed and ad-interim pre-arrest bail granted to the applicant vide order 14.03.2022 is hereby confirmed on the same terms and conditions.

The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE

Irfan Ali