

ORDER SHEET
IN THE HIGH COURT OF SINDH, AT KARACHI.

Criminal Bail Application No.2146 of 2023

Date	Order with signature of Judge
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For hearing of bail application.

16.01.2024.

Mr. Shamsul Hadi, Advocate for the applicant.
Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh.
I.O. ASI Rehmatullah.
DC Sarwar Pakistan Railways.

MOHAMMAD KARIM KHAN AGHA, J:- The Applicant Ahsanullah S/o. Badsha Khan is being tried before the Judicial Magistrate Malir in respect of FIR No.51/2023 U/s. 379, 411 PPC, P.S. Railway Landhi, Karachi. The applicant applied for pre-arrest bail which was declined by the Additional Sessions Judge-VII, Malir, Karachi vide order dated 15.09.2023.

2. The brief facts of the case are that the complainant made a complaint on 07.09.2023 at 10:00 hours that the clamp, which was fixed on point No.15 is stolen by unknown persons by breaking its lock, hence the FIR was lodged under section 379 PPC against the unknown persons.

3. Despite this being a date fixed matter, learned Special Prosecutor Pakistan Railways has preferred to remain absent. Learned Special Prosecutor Pakistan Railways was also remained absent on the last date of hearing which shows that the Railways Department has no serious interest in pursuing this bail application.

4. Be that as it may, I have gone through the record of the case and considered the submissions of the applicant.

5. The FIR is against the unknown persons and there is no material on record to suggest how the applicant has been involved in this case. The

offence for which the applicant has been charged also carries the maximum sentence of 03 years imprisonment or might even extend only to fine with no imprisonment. In such like cases as a general rule bail is to be granted unless some exceptional circumstances exist which would lead to denial of the bail. In the instant case there are no exceptional circumstances. The charge has already been framed and as such the applicant is no longer required for investigation.

6. Under these circumstances the pre-arrest bail earlier granted to the applicant Ahsanullah S/o. Badsha Khan is confirmed on the same terms and conditions. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing of the outcome of the trial of the applicant which shall be decided by the concerned trial court based on the evidence placed before it.

7. This pre-arrest bail application is disposed of in the above terms.

JUDGE

M. Arif