

Order Sheet

**IN THE HIGH COURT OF SINDH AT KARACHI**

**Cr. Bail Appln. No.949 of 2025**

Date	Order with Signature of Judge
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For hearing of bail application

**04.09.2025**

Mr. Touqeer Raza Bughio, Advocate for the applicant  
a/w the applicant.

Mr. Aijaz Muhammad Bangash, Advocate for the complainant  
a/w the complainant.

Ms. Rahat Ehsan, APG Sindh.

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Learned counsel for the applicant/accused has filed a statement dated 04.09.2025 and supplies a copy of the same to the learned APG Sindh and opposing Counsel. The statement attaches a certified copy of the final report / Challan dated 23.05.2025, with orders passed by the Court accepting the same as on 24.05.2025. According to the final challan accepted by the trial Court, the I.O. has dropped the charge under Section 406 PPC and retained the charge under Section 420 PPC. Counsel for the applicant/accused contends that as the challan accepted by the trial Court no longer finds mention of Section 406, the remaining charge against the applicant/accused under Section 420 PPC is a bailable offence. He prays that the pre-arrest bail, in the facts and circumstances of the case, may be granted to the applicant/accused.

Counsel for the complainant opposes the submissions made by the applicant/accused. He contends that even if Section 406 PPC has been dropped from the final challan, the applicant/accused must first move a fresh application for bail before the trial Court under Section 497 PPC for bail on the grounds of Section 420 PPC. He submits that this bail application has become infructuous and this bench may either dismiss this lis or the applicant/accused should withdraw it.

Heard Counsel. Earlier, the applicant had filed a bail application based on the FIR registered under Sections 420 and 406 of the PPC;

however, subsequently, the charging section, Section 406 of the PPC, was deleted. The learned trial Court, when rejecting the concession of bail, considered both the aforesaid sections. This is apparent from the bail application and the order passed by the trial Court rejecting bail. No fruitful purpose will be served by directing the applicant/accused to file a fresh application, particularly when only the bailable section 420 PPC is left to be eventually considered in the crime by the trial Court. Furthermore, it would be more efficient to deal with it in this lis, without consuming further resources of the Court and litigating parties in terms of time and money and without violating due process rights.

In the facts and circumstances, there remains only one section in the final challan/charge, and that is Section 420 PPC, which is bailable. Counsel for the applicant submitted earlier that the co-accused had also been granted bail in the same FIR. Therefore, applying the rule of consistency, a case is also made out for confirmation of bail, on this score, too.

Given the above, the applicant/accused has made out a case for pre-arrest bail under Section 420 PPC, which is itself a bailable offence. The interim pre-arrest bail granted by this Court to the applicant/accused vide order dated 16.04.2025 is confirmed on the same terms, that is, subject to furnishing surety in the sum of Rs.50,000/- [Rupees Fifty Thousand only], along with P.R. bond in the like amount to the satisfaction of the Nazir of this Court. The applicant/accused shall continue to attend the trial Court, failing which such concession may be withdrawn.

Needless to state that the observations herein are tentative and nothing herein shall be construed to prejudice the case of either side.

J U D G E