

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

Cr. Bail application No.S- 391 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
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02.10.2017.

Mr. Aijaz Ahmed Chandio Advocate for applicant/accused
Alongwith applicant/accused.

Mr. Irum DDPP for the State.

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ABDUL MAALIK GADDI, J: Applicant/accused is on interim pre-arrest bail granted to him by this court vide order 20.5.2016. Today this bail application is fixed for confirmation or otherwise.

2- The allegations against applicant/accused is that on the day and time of incident present applicant/accused was available with co-accused Riaz Ali at Bhan Ja Dara near Abdul Sattar colony, who after seeing police party after throwing the shopper containing Charas run away from the spot, subsequently which was weighed and found 1150 grams.

3- It is stated by learned counsel for applicant/accused that case against applicant/accused is false and has been registered due to enmity. Besides according to him, present applicant/accused has been implicated in this case on the basis of statement of co-accused Riaz Ali from whose possession 1100 grams charas was recovered and who has already been granted bail by the trial court vide order dated 26.5.2016, whereas nothing was recovered from the exclusive

possession of the present applicant/accused, thus he was of the view that this applicant/accused is entitled for confirmation of this bail application.

4- Learned DDPP for the statement has opposed this bail application and mainly argued that applicant/accused is spoiling the

civil society. He is the actual culprit who succeeded to run away from the place of incident after throwing the shopper containing charas.

5- Heard arguments and perused the record.

6- It is admitted position that case has been challaned. Applicant/ accused is no more required for investigation. The case of applicant/ accused rests upon the evidence of police officials, therefore, no question does arise of tampering of their evidence at the hands of applicant/accused. Since whole the case of prosecution rests upon the evidence of police official, therefore, their evidence is required to be minutely scrutinized at the time of trial whether offence as alleged in the FIR allegedly committed by applicant/accused in a fashion as narrated by the complainant or otherwise. There is nothing on record to show that applicant/accused is previous convict or has been arrested in a case of similar nature in past. Co-accused Riaz Ali from whom allegedly 1100-grams of charas were recovered has already been granted bail by the trial court vide order dated 26.5.2016 and the case of applicant/accused appears to on better footing then who has been granted bail by the trial court, this applicant/accused has been named in this case on the statement of co-accused, therefore, it is to be determined by the trial court whether present applicant/accused is involved in this case or otherwise. Learned DDPP for the state though has opposed this bail application, has not been able to controvert above factual and legal position involved in this case.

7- I, accordingly, in view of what I have observed above, come to the conclusion that applicant/accused has made out a case for confirmation of bail, therefore, this bail application is allowed and confirm the interim pre-arrest bail,

already granted in favour of applicant/accused on same terms and conditions with direction to applicant/accused to appear before the trial court to face his trial.

8- Since the matter pertaining to the year 2016, therefore, the trial court is directed to proceed the matter expeditiously and preferably decide the matter within a period of two months after receipt of this

order. The compliance report be submitted through Additional Registrar of this court.

9- Before parting with the order, I would like to make it clear that observations if any, made in this order, is tentative in nature and shall not affect the merits of the case.

JUDGE

A.Rasheed