

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No. 705 of 2024
(Tariq Javed vs. The State)

For hearing of Bail Application

26.06.2024

Mr. Adam H. Singhar, advocate a/w applicant
Mr. Muhammad Khan Burior, advocate for complainant
Syed Mumtaz Ali Shah, Assistant Prosecutor General

ORDER

MUHAMMAD IQBAL KALHORO J: From FIR, it transpires that one Fouzia and Tasleem falsely claiming themselves to be doctors and gynecologists were running a clinic/maternity home by name and style "Tasneem Clinic. Where complainant's wife was admitted for delivery of child and despite it was a case of normal delivery, yet caesarean section was conducted upon her that too wrongly, when they could not stop her bleeding, they referred her to Jinnah Hospital Karachi, where she died. However, the doctors at Jinnah Hospital confirmed mishandling of wife of complainant by the accused as above. Hence, this FIR.

2. Previous to this application, applicant had filed pre-arrest bail application (Cr. B.A. No.2089/2023) before this Court along with co-accused, which was dismissed on 02.10.2023. The applicant, who is allegedly technician and had assisted the fake doctors in carrying out the surgery, has filed this application on the ground that co-accused Muhammad Naseer, who has been assigned the same role was subsequently granted bail by this Court vide order dated 30.01.2024 in Cr B.A. No.2746/2023.

3. Learned counsel for the applicant submits that applicant is not a technician but an electrician and he has been wrongly proclaimed as electrician. Further, his case is based on rule of consistency as the co-accused having a similar role has been granted bail. Learned counsel in support of arguments has relied upon the case laws reported in **2023 SCMR 679, 2023 SCMR 383, 2023 SCMR 184, 2023 YLR 1493,, 2023 P. CRLJ 51, 2024 SCMR 14, 2023 SCMR 397, 2023 P.Cr.LJ 53 and 2020 P. Cr.LJ 153.**

4. On the other hand, learned counsel for complainant and learned APG have opposed bail and have stated that in subsequent bail application the fact of previous bail application having been dismissed was never brought to notice of learned Judge.

5. I have heard learned counsel for the parties and have gone the case law cited at bar. From the FIR, it appears that applicant along with other co-accused, who were fake doctors were running a racket and helping each other in hoodwinking innocent people and playing with their lives by performing as complicated procedure as caesarean section. Due to their gross act and greed, a young lady lost her life. The offence with which they have been booked is non-bailable. More so, previously on merits bail application of applicant has already been dismissed by this Court. The applicant instead of challenged the same order in the Supreme Court has repeated this application on the ground that co-accused has been granted bail. But the order available at page-107 shows that the fact of previous bail application of that co-accused having already been dismissed was not brought to notice of learned Bench and the order was obtained misrepresenting the facts. In view of such, no case is made out for extending extra-ordinary concession of pre-arrest bail to the applicant. Consequently, this bail application is dismissed and ad-interim pre-arrest bail granted to the applicant on 26.03.2024 is hereby recalled.

6. Needless to mention that the observations made herein above are tentative in nature and would not prejudice case of either party at trial. The bail application is disposed of in the above terms.

J U D G E

Rafiq/P.A.