

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

Criminal Miscellaneous Application No.D- 11 of 2021

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1. For orders on office objection.
2. For hearing of M.A. 8967/2021
3. For hearing of main case

10.11.2021

M/s Gohar Latif Larik and Salahuddin Arain advocates for applicant.

Mr. Shahid Ahmed Shaikh, Addl. P.G. along with Mr. Shakeel, Assistant Superintendent, C.P. Hyderabad.

Mr. Muhammad Ismail Bhutto, Addl. A.G Sindh.

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MUHAMMAD IQBAL KALHORO,J.- Husband of applicant was arrested in NAB Reference No.04/2019 on 19.12.2018, and was granted bail by this Court vide order dated 25.05.2021. But he was not released by the Superintendent Central Prison Hyderabad on the ground that against him another case bearing Crime No.565/2018 of P.S Fatehpur u/s 489-F PPC, Taluka Karor Lal Eason District Layyah (Punjab) was pending. Nonetheless, in view of such information, Mr. Shakeel, Assistant Superintendent, C.P. Hyderabad himself visited trial court i.e. 1<sup>st</sup> Class Judicial Magistrate Karor Lal Eason (Punjab) and requested it for issuance of production order so that husband of the applicant could be produced before it and his custody could be retained in Punjab within jurisdiction of the court enabling him to avail remedy in accordance with law.

Mr. Shakeel is present. He submits that his request was declined by the court and no production order was issued on the ground that in the record the applicant's husband was not shown arrested. Now as per current situation, on one hand the applicant's husband has been granted bail in NAB reference but is not being released on account of pendency of aforesaid case and on the other hand the learned trial court seized with case is not ready to issue production order on the ground as above and the husband of the applicant is languishing in jail without any remedy in sight. It is in this back ground this application has been filed by his wife u/s 491 Cr.P.C. seeking his release.

We have heard learned counsel, Additional Prosecutor General Sindh, Additional Advocate General Sindh and Mr. Shakeel, Assistant Superintendent, C.P. Hyderabad. With their consent, this application is converted into constitutional petition under article 199 of the Constitution and in view of facts and grounds as above grant ad-interim post arrest bail in Crime No.565/2018 of

P.S Fatehpur u/s 489-F PPC, Taluka Karor Lal Eason District Layyah (Punjab) to husband of applicant namely Asad Ali Malik for a period of fifteen (15) days enabling him to appear before the trial court subject to furnishing two solvent sureties in the sum of rupees one million each and P.R Bond in the like amount to the satisfaction of Additional Registrar of this Court. The surety shall not be discharged until and unless applicant furnishes a proof of appearance of her husband before the trial court within stipulated period and in case the applicant's husband fails to appear before the trial court, the sureties furnished before this court would stand forfeited and the trial court would be competent to procure his attendance in accordance with law.

A copy of this order be sent to the learned A.A.G. Sindh, APG Sindh and learned trial court for information.

This petition stands disposed of in the above terms along with listed application.

JUDGE

JUDGE

Ali Haider