

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.11 of 2020

Date	Order with signature of Judge
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Muhammad Asif.....Vs..... The State

For hearing of bail application

06.02.2020

Mr. Muhammad Nazir Tanoli Advocate for Applicant
Mr. Ali Haider Salim, DPG

ORDER

Applicant is seeking post arrest bail in a case bearing Crime No.2841/2019, U/s 385, 387, 506-B, 34 PPC read with section 7 ATA, registered at Police Station Kalakot Karachi by means of this application.

2. Learned DPG has opposed grant of bail to the applicant. Whereas, learned counsel for complainant has chosen to remain absent.

3. Complainant Murtaza Qureshi has alleged demand of 'Bhatta' from him in FIR by accused Sikandar alias Siko on phone, and subsequently in order to threaten him firing by 02 unknown accused at his residence. During investigation co-accused Rasheed was arrested on 17.11.2019, and identified by complainant and PW in identification parade held on 09.12.2019. On his statement, applicant has been arraigned in this case. Except that piece of evidence, no other evidence has been collected against him. No criminal record of him is available either and no connection of applicant with phone numbers the complainant was called by has been *prima facie* established. Therefore, we are of the above that case against the applicant requires further enquiry and he is entitled to bail. Accordingly, this application is allowed and applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.1,00,000/ (Rupees one lac) with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

4. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

Judge

Judge

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Date	Order with signature of Judge
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Cr. Bail Appl No.1440 of 2019

Mehrullah alias ShahmeerApplicant

Versus

The State.....Respondent

Cr. Bail Appl No.1441 of 2019

Mehrullah alias ShahmeerApplicant

Versus

The State.....Respondent

For hearing of Bail Application.

03.12.2019.

Mr. Kanwar Altaf Bhatti, Advocate for Applicants
Mr. Ali Haider Saleem, DPG

ORDER

By this order we dispose of above bail applications, whereby applicant is seeking post arrest bail in the cases bearing Crime No.121/2019, U/s 353, 324, 34 PPC r/w section 7 ATA and Crime No.122/2019, U/s 23(i) A Sindh Arms Act, both FIRs registered at Police Station Taimoria, Karachi.

2. Applicant and co-accused Abdul Hameed were arrested on 10.04.2019 at 1530 hours after an encounter with police of Police Station Taimoria, District Central, Karachi headed by ASI Abdul Shakoor. From applicant one 9mm pistol along with bullets was recovered, besides a robbed motorcycle, which they had snatched from jurisdiction of Police Station New Karachi on the same day and in respect of which FIR No.93/2019 was already registered. The incident of encounter and subsequent recovery as per FIR allegedly took place at 1530 hours, whereas in memo of recovery and arrest, the time of occurrence has been shown at 1445 hours. In the main case of robbery u/s 392 crime No.93/2019, applicant has been acquitted by the trial Court vide judgment dated 19.11.2019, a copy of which learned defence counsel has placed on record in support of his arguments. His further arguments are that in encounter no one was injured from police party and even there is no record to show that the private vehicle the police was travelling in was hit in the shootout, which makes the case against the applicant to be of further enquiry.

3. Learned DPG, however, has opposed grant of bail to the applicant.

4. We have considered submissions of the parties and perused the material available on record. The applicant is in custody since 10.04.2019 and is no more required for further investigation. In the main case u/s 392 PPC, he has been acquitted by the trial Court and there is no record showing that his acquittal has been questioned by the prosecution. In the alleged encounter admittedly no one was injured. There is also a discrepancy in the time of incident shown in the FIR and in memo of arrest and recovery. This fact put together with others circumstances highlighted above makes the case against the applicant to be of further enquiry. Accordingly, these bail applications are allowed, the applicant is granted post-arrest bail in both the case subject to furnishing a solvent surety in the sum of Rs.100,000/- (Rupees one hundred thousand only) each and P.R bond in the like amount to be executed to the satisfaction of the trial Court.

5. The bail applications are disposed of; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

Judge

Judge

Rafiq P.A.

Applicant is accused in crime No.34/2015 registered on 05.06.2015 at Police Station Jati District Sujawal U/s 302, 337 H(ii), 114, 504, 34 PPC for an incident which allegedly occurred on 04.06.2015.

2. The allegations against the applicant are that he alongwith co-accused waylaid the complainant party in front of his house situated at village Kamil Otho Taluka Jati District Sujawal and caused murder of Mst. Raheema, sister of the complainant on the premise of her being as Kari. Precisely it is alleged that the applicant was armed with hatchet and he caused sharp side hatchet blows on left side of head of the deceased, as a result of which she died.

3. Learned counsel for the applicant argues that name of the applicant does not transpire in the FIR, and no specific role has been assigned to him; that co-accused have been granted bail by the learned trial court, therefore, rule of consistency is applicable and the applicant is also entitled to the same relief. She further states that on

the day of incident, the applicant was not present at the spot, and he has been falsely implicated in the case by the complainant party on the basis of enmity. In order to establish such point, she has referred to a photostat copy of a certificate available at page 35 of the file purportedly issued by the Medical Superintendent, Rural Health Centre Keti Bander to the effect that applicant was assigned to collect monthly medicines from District Health Office on 04.06.2015. She next argues that the complainant has sworn an affidavit stating that he has compounded the offence with the applicant, therefore, according to her, the applicant is entitled to confirmation of pre arrest bail. In support of her arguments, learned counsel has relied upon the cases of *Muhammad Najeeb Vs. The State* (2009 SCMR 448), *Muhammad Akram V. The State* (1995 MLD 1826), *Zafar Iqbal V. The State* (PLD 2004 Karachi 566), *Nabi Dino & another V. The State* (1999 MLD 2576), and *Ali Gul and 3 others V. The State* (1986 P Cr. L J 433).

4. On the other hand, learned A.P.G has opposed the confirmation of bail. He states that the applicant is named in the FIR with specific role of causing murder of deceased Mst. Raheema by causing her sharp side hatchet blow on the premise of her being Kari.

5. I have heard the learned counsel and perused the material available on record including the decisions cited at the bar. The arguments of learned counsel that the applicant is not named in the FIR and no specific role is attributed to him are not factually correct. I have gone through the FIR and relevant papers, the applicant is specifically named therein and he and co-accused Muhammad are assigned specific role of causing sharp side hatchet blow on the head of the deceased, which resulted into her death. The photostat copy of certificate to support the plea of alibi, is of no help to the applicant, as it does not in any way establish absence of the applicant from

place of incident. More so, it is a well settled principle of law that plea of alibi cannot be taken into consideration at bail stage. The case law relied upon by the learned counsel for the applicant are quite distinguishable to the facts and circumstances of the present case where the applicant is attributed a direct role of causing murder of deceased, and such offence carries capital punishment. During her arguments, learned counsel for the applicant has produced an affidavit purportedly sworn by the complainant stating that he has compounded the offence with the applicant. Complainant is, however, not present to verify the contents of such affidavit. Insofar as its implications are concerned, suffice to say that there is no provision in Criminal Procedure Code that a bail application of the accused can be decided on the basis of an affidavit of complainant and it is not out of place to state here that the Honourable Supreme Court in various decisions has deprecated practice of considering affidavits at bail stage. Learned counsel for the applicant has not been able to show that the applicant is implicated in the case falsely and/or with ulterior motives. In the facts and circumstances, the applicant is not entitled for extra-ordinary relief of Pre arrest bail. The Application is accordingly dismissed. Interim bail order dated 06.08.2015 stands recalled.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

Applicant is seeking bail in crime No.52/2015 registered on 11.05.2015 at Police Station Khokhrapar Karachi for an incident which occurred on the same day at about 1345 hours. The complainant, who is jeweler, has alleged in the FIR that on the day of incident, from his Jewelry shop No.B-88 situated at Muhammadi Market, Malir, Khokhrapar Karachi, five unknown accused robbed cash, gold ornaments weighing 630 grams and mobile phones.

2. Applicant was arrested in crime No.206/2015 U/s 353,324, 34 PPC of P.S. C.T.D on 28.10.2015 and during investigation thereof, he admitted his involvement in the present crime. On the basis of said disclosure, his identification parade was arranged wherein he was picked up by the complainant. Resultantly, he was challaned in the present crime and offence. He moved bail application before the learned trial court but the same was dismissed vide order dated 12.02.2016.

3. Learned counsel for the applicant has argued that only evidence against the applicant is identification parade, which was not held in accordance with law. He states that rule 26.32(d) of Police Rules was not adhered to while conducting identification parade of the applicant, therefore, it is illegal. He further states that before identification parade, photograph of the applicant was published in various newspapers, therefore, identification parade has lost its value and cannot be relied upon. He also states that alleged incident took place on 11.05.2015 whereas the applicant was arrested on 28.10.2015 i.e. after five months of the incident and then after further 5 days on 03.11.2015, his identification parade was held which is of no consequences as such.

4. On the other hand, learned A.P.G along-with complainant has opposed grant of bail to the applicant on the grounds that the applicant is the real culprit, who has been identified by the complainant; that points raised by the defence counsel cannot be considered at bail stage as only tentative assessment of the material available on record has to be made.

5. I have considered the submissions of the parties and perused the record.

6. The FIR is registered against unknown accused and only after arrest of the applicant in crime No.206/2015, in the investigation of which he admitted his involvement in the present crime, he was put to identification parade and picked up by the complainant. No enmity is alleged against the complainant and there is no reason why complainant would falsely implicated the applicant in a serious offence of robbery. The prosecution has a piece of evidence against the applicant, in the shape of identification parade, which cannot be ignored. Although learned defence counsel has argued that identification parade was not conducted in accordance with the law

but prima face there is no such material to establish his claim. Memo of identification parade shows that the applicant was brought muffled face and was made to stand in the row of dummies. No illegality appears to have been conducted.

7. Resultantly the plea of applicant for bail has no merits and accordingly this bail application is dismissed. At this juncture, learned counsel for the applicant requests that directions may be give to the learned trial court to conclude the matter expeditiously. Accordingly the trial court is directed to expedite the trial and conclude the same preferably within a period of two months.

Applicant is accused in crime No.132/2015 registered on 30.03.2015 at Police Station Jackson Karachi U/s 324, 34 PPC disclosing an incident allegedly occurring on 29.03.2015 at 2100 hours.

2. Precise allegations against the applicant are that he was driving the motorcycle on which co-accused namely Junaid was the pillion rider, who fired at the son of the complainant namely Mujeeb ur Rehman on his abdomen with intention to kill him and thereafter the applicant sped away alongwith the co-accused.

3. During investigation, the applicant was arrested on 19.08.2015, after his bail before arrest application was dismissed by the learned trial court.

4. Learned counsel for the applicant has contended that applicant is innocent and has been falsely implicated in the case; that no role is assigned to the applicant and allegedly he was only driving the motorcycle on which main accused was sitting as the pillion rider, and who fired at the son of the complainant. He further states that neither number of motorcycle is mentioned in the FIR nor such motorcycle was recovered from the applicant during investigation. He has lastly relied upon the case of Nisar Ahmed Vs. the state & others (2014 SCMR 27), Muhammad Irfan Vs. the State & others (2014

SCMR 1347), and Shafi Muhammad Vs. the State (1999 P Cr. L J 890) in support of his arguments.

5. On the other hand, counsel for the complainant has contended that the applicant was facilitator who brought the main accused at the spot and after the incident he sped him away. He further states that such act of he applicant is sufficient to show his sharing common intention with main accused in commission of the offence. Learned APG has also opposed the bail of the applicant on the same grounds.

6. I have considered the arguments of learned counsel for the parties and perused the material available on record including the decisions cited at the bar. It is apparent that the applicant is nominated in the FIR with allegations that he brought the co-accused at place of incident, which is situated in front of the house of the complainant, where he fired at the son of the complainant, and after the incident, he sped him away on the motorcycle. This conduct of the applicant indicates that he was not merely a silent spectator present with the co-accused. He appears to have fully participated in the crime as a facilitator which cannot be ignored in the peculiar facts and circumstances of the present case. I have been informed that trial is in progress and the injured has supported the version of FIR and the trial is likely to be completed in near future. The facts and circumstance of the case law relied upon by learned counsel for the applicant is quite different to that of the present case, hence not helpful to the applicant.

7. In view of above, I do not find the applicant entitled to relief of bail. Accordingly, this bail application is dismissed. The trial court however, is directed to conclude the trial within a period of two months and if the trial is not concluded within that period, the

applicant may repeat his bail application before the trial court, if he so wishes.

ORDER

By this order we dispose of this bail application, whereby applicant is seeking post arrest bail in a case bearing Crime No.472 /2014, U/s 365-A, 34 PPC, registered at Police Station Zaman Town, Karachi.

2. An FIR was registered by complainant Muhammad Adnan, who is brother of the deceased on 23.12.2014 at 0215 hours against unknown accused for abducting his brother Mubarak Ali on 17.12.2014 at 0900 hours. Subsequently, dead body of deceased Mubarak Ali was found at Edhi Cold Storage Sohrab Goth and such intimation was conveyed to the police. During investigation, applicant and other co-accused were arrested and made a judicial confession admitting committing present crime and offence, and doing away with the deceased.

3. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that his name is not mentioned in FIR; that five (05) witnesses have been examined and in the cross examination certain contradictions have come which make the case against the applicant to be of further inquiry. In support of his arguments, he has relied up on the case laws reported in PLJ 1993 Cr. C (Karachi) 386, 1975 P. Cr. L J 440 and PLJ 1986 Cr. C. (Quetta) 271.

4. On the other hand, learned DPG has opposed grant of bail to the applicant on the ground that the trial has commenced and there is *prima facie* evidence in shape of his judicial confession against the applicant.

5. We have considered submissions of the parties and perused material available on record as well as the case law cited at the bar. In our view the applicant is not entitled to the concession of bail at this stage, for the trial has considerably advanced and the material witnesses including complainant have been examined. Besides, there is *prima facie* evidence against the applicant in shape of his judicial confession accepting his involvement in the present crime and offence. The case law relied upon by the learned defence counsel is distinguishable in that the same are on appeals. The alleged contradictions in the cross examination would not be considered at bail stage as it would amount to a deeper appreciation of evidence which is not permitted. Accordingly, in view of above, the applicant is not entitled to the concession of bail and his bail application is dismissed. However, before

parting with this order, we direct the trial Court to expedite the trial and conclude it within a period of three (03) months without fail and submit such compliance report.

6. Bail application stands disposed of in above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**
Crl. B.A. No.1506 of 2019

EhsanullahVs.....The State

For hg. of bail application

25.11.2019

Mr. Ghulam Qadir Sasoli, Advocate for Applicant

Mr. Ali Haider Saleem, DPG

Applicant, Ehsanullah is seeking post-arrest bail in FIR No.352/2019, U/s 365, 324, 337-A(i), 506-B, 504, 34 R/W Section 7 ATA, registered at Police Station Shahrah-e-Faisal, Karachi, mainly on the ground of rule of consistency as co-accused Ishtiaq Sarki in (Cr. B.A. No.1177/2019) and Mushtaq Ahmed and Manzoor Ali in (Cr. B.A.1151/2019) have already been granted by this Court vide order dated 17.09.2019.

Learned defence counsel submits that the case of present applicant is on better footing than those of co-accused, who have been granted bail and that applicant's name is not mentioned in the FIR, whereas, co-accused, who have been granted bail have specifically been nominated by the complainant; that there are allegations of beating to the complainant and taking away his father namely Ali Akbar, but he had subsequently appeared at Police Station on his own without being recovered from any of the accused.

On the other hand, learned DPG although has opposed grant of bail to the applicant but has not disputed that co-accused whose case is on similar

footing than the case of present applicant have been granted bail by this Court.

Accordingly, in view of above when the nominated accused have been granted bail on merits by this Court and the name of the applicant is not mentioned in the FIR coupled with the fact that the complainant himself appeared at Police Station, we find the case of applicant to be of further enquiry, in addition to finding him entitled to the concession of bail on rule of consistency. Accordingly, this bail application is allowed. Applicant is granted post-arrest bail subject to furnishing a solvent surety in the sum of Rs.50,000/- (Rupees fifty thousand only) and P.R bond in the like amount to be executed to the satisfaction of the trial Court.

The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. B.A. No.1301 of 2019

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

29.10.2019

Mr. Ajab Khan Khattak, Advocate for Applicant

Mr. Hussain Bux Baloch, Additional Prosecutor General Sindh

Learned Addl: P.G. Sindh requests for time to call police papers. As a last and final chance, adjourned to **13.11.2019**, when I.O. shall be in attendance.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-2629 of 2019

Date	Order .with signature of Judge
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Fresh case

1. For orders on office objection No.14
2. For orders on CMA NO.11720/2019(Exemption)
3. For hg. of main case

29.10.2019

None present

This petition was filed on 12.04.2019 for quashment of FIR bearing Crime No.14/2019, U/s 365-B PPC, registered at Police Station Dil Murad, Taluka Thull, District Jacobabad, against petitioner No.2 on account of allegation of abducting petitioner No.1 but since filing of this petition none has appeared on behalf of the petitioners to pursue this petition. Even today no one is in attendance on behalf of petitioners and no intimation is received. Accordingly, this petition is dismissed for non-prosecution along with pending application(s).

Judge

Judge

Rafiq/P.A.

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

C.P.No.D-6814 of 2019.

Date

Order with Signature(s) of Judge(s)

Fresh Case

1. For orders on MA No.30268/2019(U/A)
2. For order on office objection No.09 & 26
3. For order on MA No.30269/2019(Exemption/App)
4. For hearing of Main Case

29.10.2019

Mr. Zia-ul-Haq, Advocate a/w Petitioner

1. Granted.
2. Deferred for the time being.
3. Exemption granted but subject to all just exceptions.
4. Petitioner is present and submits that she was Hindu originally but she converted to Islam and thereafter married with Kashif, who was also Hindu previously and known as Mukesh; that after such marriage the relative of the petitioner have turned up against her and her sister namely Jamna has lodged an FIR No.129/2019, U/s 365-B, 34 PPC, registered at Police Station Sakrand, District Shaheed Benazirabad against her husband and his relatives on false allegation that she has been abducted by them, which is not correct.

Issue notice to the respondents as well as learned A.G. Sindh and P.G. Sindh so also I.O. the aforesaid FIR for **11.12.2019**. I.O. is directed not to effect arrest in the subject FIR till next date and shall appear before this court on next date along with relevant material.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P.No.D-**6823** of 2019.

Date Order with Signature(s) of Judge(s)

Fresh Case

5. For orders on MA No.30353/2019(U/A)
6. For order on office objection No.10 & 18
7. For order on MA No.30354/2019(Exemption/App)
8. For order on MA No.30355/2019(Stay/App)
9. For hearing of Main Case

29.10.2019

Mr. Bilal A. Khawaja, Advocate for, Advocate for Petitioner

1. Granted.
2. Deferred for the time being.
3. Exemption granted but subject to all just exceptions.
- 4&5. Notice to the Respondents as well as to the learned Advocate General Sindh and learned Prosecutor General Sindh for **26.11.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P.No.D-6870 of 2019.

Date	Order with Signature(s) of Judge(s)
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Fresh Case

- 14. For orders on MA No.30523/2019(U/A)
- 15. For order on office objection No.18
- 16. For order on MA No.30524/2019(Exemption/App)
- 17. For hearing of Main Case

29.10.2019

Mr. Danish Nayyar, Advocate for Petitioner

1. Granted.
2. Deferred for the time being.
3. Exemption granted but subject to all just exceptions.
4. Notice to the Respondents as well as to the learned Advocate General Sindh and learned Prosecutor General Sindh for **25.11.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P.No.D-905 of 2016.

Date _____ Order with Signature(s) of Judge(s) _____

Priority

- 18. For orders on CMNA No.4143/2016
- 19. For hg. of CMA No.4144/2016
- 20. For hearing of Main Case

29.10.2019

Mr. Saeed Ahmed Memon, Advocate for Respondent No.4
Mr. Muhammad Ali Jan, Advocate for applicant / Intervener
Mr. Hussain Bux Baloch, Addl: P.G. Sindh

Mr. Jahangir, Advocate holds brief for Mr. Irfan, Advocate for
Petitioner and requests for adjournment as he is un-well.

Adjourned to **27.11.2019**. Interim order passed earlier to continue till
the next date of hearing.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Spl. Cr. AT Appeal No.299 of 2019

 Date Order with Signature(s) of Judge(s)

Fresh case

1. For orders on M.A. No.10175/2019(U/A)
2. For hearing of Main case

28.10.2019

Mr. Ajab Khan Khattak, Advocate for appellant

1. Urgency granted.
2. This is jail appeal against the conviction and sentence to the appellant vide judgment dated **16.10.2019** in Spl. Case No.30/2019, FIR No.1157/2018, U/s 386, 34 PPC, R/w Section 7 ATA 1997, P.S. KIA Korangi and in Special Case No.30-A/2019, FIR No.532/2018, U/s 385, 324, 34 PPC, R/w Section 7 ATA 1997, P.S. Awami Colony, Karachi, in the terms as stated below:-

"01 Section 385/386/34 PPC r/w Section 6(2) (k) of ATA, punishable u/s 7(1)(h) of ATA 1997 each accused to suffer R.I. for five years and fine of Rs:25,000/- and in case of default of fine, the accused will have to undergo R.I. for six months more.

02. Section 324 PPC each of accused persons to suffer R.I. for five years and fine of Rs.20,000/- and in case of default of payment of the fine, each of the accused to undergo R.I. for six months more.

03. Section 24 of SAA accused Dilawar is found to be guilty and suffer R.I. for five years and fine of Rs.20,000/- and in case of default of payment of the fine, he would undergo R.I. for six months, more.

All the sentences shall run concurrently. The benefit of Section 382-B Cr. P.C. are however allowed to be extended in favour of the accused persons."

The appeal is admitted for regular hearing. Issue notice to the Prosecutor General for **28.11.2019**. Office is directed to call R&PS and prepare paper book.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Crl Jail Appeal No.631of 2019

 Date Order with Signature(s) of Judge(s)

Fresh case

1. For orders on M.A. No.10221/2019(Condonation of Delay/A)
2. For hearing of Main case
3. For orders on MA No.10222/2019(U/s 426 Cr. P.C.)

28.10.2019

None present

1to3. This is jail appeal against the conviction and sentence to the appellant vide judgment dated **12.09.2019** in Case No.916/2019, FIR No.118/2019, U/s 6/9 (c) CNS Act, 1997, P.S. Gizri, Karachi, whereby, the appellant has been convicted and sentenced to suffer RI for 05 (Five) years and 06 (Six) months and to pay fine of Rs.25,000/- and in default of whereof to suffer 15 (fifteen) months more S.I. with benefit of Section 382-B Cr. P.C. The appeal appears to be time barred, however, subject to the point of limitation, is admitted for regular hearing. Issue notice to the Prosecutor General. Office is directed to call R&PS and prepare paper book. Adjourned to a date in office, meanwhile P.O. of the appellant be issued.

JUDGE

JUDGE

Rafiq/P.A..

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Spl. Cr. AT Jail Appeal No.278 of 2019

 Date Order with Signature(s) of Judge(s)

Fresh case

3. For orders on M.A. No.10125/2019(Condonation of Delay/A)
4. For hearing of Main case

28.10.2019

None present

1&4. This is jail appeal against the conviction and sentence to the appellant vide judgment dated **31.07.2019** in Spl. Case No.1594/2017, FIR No.325/2017, U/s 353, 324, 427, 34 PPC, P.S. Surjani Town, Karachi and in Special Case No.1594-A/2017, FIR No.326/2017, U/s 23(i) A Sindh Arms Act, 2013, P.S. Surjani Town Karachi, in the terms as stated below:-

“(a) Accused (1) Irfan S/o. Abdul Rasheed and (2) Ramzan S/o. Muhammad Fazil Bhatti are found guilty of the charge of offence u/s 324, 353 PPC R/w Section 6(2) (n) punishable under section 7(1) (h) ATA 1997, they are convicted and sentenced to suffer imprisonment for five years, each, and fine of Rs.20,000/- (Rupees Twenty thousand) each, in case of default of payment of fine, they shall further suffer for one year, each.

(b) Accused (1) Irfan S/o. Abdul Rasheed and (2) Ramzan S/o. Muhammad Fazil Bhatti are also found guilty of the charge of offence punishable u/s 23 (1) (a) of Sindh Arms Act 2013, are convicted and sentenced to suffer imprisonment for two years each and fine of Rs.10,00/- (Rupees ten thousand) each, in case of default in payment of fine, they shall further suffer for six months, each.

(c) Accused (1) Irfan S/o. Abdul Rasheed and (2) Ramzan S/o. Muhammad Fazil Bhatti are also found guilty for the charge of offence punishable u/s 427-PPC, and they are convicted and sentenced to suffer imprisonment for six month, each.

All the sentences shall run concurrently. The benefit of Section 382-B Cr. P.C. shall be extended to both accused persons.”

The appeal appears to be time barred, however, subject to the point of limitation, is admitted for regular hearing. Issue notice to the Prosecutor General. Office is directed to call R&PS and prepare paper book. Adjourned to a date in office, meanwhile P.O. of the appellant be issued.

JUDGE

JUDGE

Rafiq/P.A..

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Spl. Cr. AT Jail Appeal No.277 of 2019

 Date Order with Signature(s) of Judge(s)

Fresh case

4. For orders on M.A. No.10124/2019(Condonation of Delay/A)
5. For hearing of Main case

28.10.2019

None present

1&4. This is jail appeal against the conviction and sentence to the appellant vide judgment dated **31.07.2019** in Spl. Case No.1594/2017, FIR No.325/2017, U/s 353, 324, 427, 34 PPC, P.S. Surjani Town, Karachi and in Special Case No.1594-A/2017, FIR No.326/2017, U/s 23(i) A Sindh Arms Act, 2013, P.S. Surjani Town Karachi, in the terms as stated below:-

“(a) Accused (1) Irfan S/o. Abdul Rasheed and (2) Ramzan S/o. Muhammad Fazil Bhatti are found guilty of the charge of offence u/s 324, 353 PPC R/w Section 6(2) (n) punishable under section 7(1) (h) ATA 1997, they are convicted and sentenced to suffer imprisonment for five years, each, and fine of Rs.20,000/- (Rupees Twenty thousand) each, in case of default of payment of fine, they shall further suffer for one year, each.

(b) Accused (1) Irfan S/o. Abdul Rasheed and (2) Ramzan S/o. Muhammad Fazil Bhatti are also found guilty of the charge of offence punishable u/s 23 (1) (a) of Sindh Arms Act 2013, are convicted and sentenced to suffer imprisonment for two years each and fine of Rs.10,00/- (Rupees ten thousand) each, in case of default in payment of fine, they shall further suffer for six months, each.

(c) Accused (1) Irfan S/o. Abdul Rasheed and (2) Ramzan S/o. Muhammad Fazil Bhatti are also found guilty for the charge of offence punishable u/s 427-PPC, and they are convicted and sentenced to suffer imprisonment for six month, each.

All the sentences shall run concurrently. The benefit of Section 382-B Cr. P.C. shall be extended to both accused persons.”

The appeal appears to be time barred, however, subject to the point of limitation, is admitted for regular hearing. Issue notice to the Prosecutor General. Office is directed to call R&PS and prepare paper book. Adjourned to a date in office, meanwhile P.O. of the appellant be issued.

JUDGE

JUDGE

Rafiq/P.A..

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Spl. Cr. AT Jail Appeal No.279 of 2019

 Date Order with Signature(s) of Judge(s)

Fresh case

6. For orders on M.A. No.10126/2019(Condonation of Delay/A)
7. For orders on M.A. No.10127/2019(Ex.App)
8. For hearing of Main case
9. For orders on MA No.10128/2019(U/s 426 Cr. P.C.)

28.10.2019

None present

2. Exemption granted but subject to all just exceptions.

1,3 & 4. This is jail appeal against the conviction and sentence to the appellant vide judgment dated **30.08.2019** in Spl. Case No.203/2019, U/s 392, 353, 324, 34 PPC, P.S. Ferozabad, Karachi and in Special Case NO.203-A, FIR No.131/2019, U/s 23(i) A Sindh Arms Act, 2013, P.S. Ferozabad, Karachi, in the terms as stated below:-

"1. The accused Zeeshan S/o. Muhammad Saleem is Convicted U/s 392 PPC and sentenced to undergo R.I. for 10 years with fine of Rs.500,000/- In default in payment of such fine, he shall suffer further R.I. for 01 year.

2. The accused Zeeshan S/o. Muhammad Saleem is further convicted u/s 7(1) (h) of ATA, 1997 and sentenced to undergo R.I. for 10 years with fine of Rs.100,000/-. In default in payment of such fine, he shall suffer further R.I. for 01 year.

3. I also convict the accused Zeeshan S/o. Muhammad Saleem for the offence U/s 25 of Sindh Arms Act, 2013 and sentence him to undergo R.I. for 07 years with fine of Rs.50,000/-. In default in payment of fine, he shall suffer further R.I. for 06 months.

All the above sentences shall run concurrently. The benefit of section 382-B Cr. P.C. is also extended to the accused persons from the date of their arrest."

The appeal appears to be time barred, however, subject to the point of limitation, is admitted for regular hearing. Issue notice to the Prosecutor General. Office is directed to call R&PS and prepare paper book. Adjourned to a date in office, meanwhile P.O. of the appellant be issued.

JUDGE

JUDGE

Rafiq/P.A..

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.1496 of 2019

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

28.10.2019

M/s Muhammad Asif and Naeem Qureshi, Advocate for applicant
Mr. Faheem Hussain, DPG

Learned DPG submits that notice has wrongly been issued to the learned Prosecutor General Sindh as in this matter FIR was registered by the FIA which is to be represented by the office of learned Additional Attorney General. Mr. Irfan Ali Memon, DAG, who is present in Court waives notice of this bail application and claims copy thereof, which learned defence counsel undertakes to supply him during court hours.

To come up on **07.11.2019**.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.1533 of 2019

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

1. For order on CMA No.10772/2019(U/A)
2. For order on CMA No.10773/2019(Ex.App)
3. For hearing of bail application

28.10.2019

Mr. Khawaja Naveed Ahmed, Advocate for applicant

1. Urgency granted.
2. Exemption granted but subject to all just exceptions.
3. Notice to the learned Prosecutor General Sindh for **08.11.2019**.

Learned Counsel for the applicant submits that previous to this, the applicant had filed Cr. B.A. No.834/2019, which was disposed of by the bench comprising our learned brothers Mr. Justice Salahuddin Panhwar and Mr. Justice Shamsuddin Abbasi. Let this bail application be placed before the Honourable Chief Justice for orders as his lordship may be pleased to.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4132 of 2019

Date	Order .with signature of Judge
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Fresh case

1. For order on CMA No.18234/2019
2. For order on CMA No.18235/2019
3. For hearing of main case

28.10.2019

None present

This petition was filed on 18.06.2019 for quashment of FIR bearing Crime No.155/2019, U/s 448, 511, 354, 380, 34 PPC, registered at Police Station Brigade, Karachi but since filing of this petition none has appeared on behalf of the petitioner to pursue this petition. Even today no one is in attendance on behalf of petitioner and no intimation is received. Accordingly, this petition is dismissed for non-prosecution along with pending application(s).

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-6849 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Fresh case

1. For order on Misc. No.30432/2019(Urgent/App)
2. For order on office objection No.1 & 27
3. For order on Misc. No.30433/2019(Exemption/App)
4. For hearing of main case

28.10.2019

Mr. Ahteshamullah Khan, Advocate for Petitioner

1. Urgency granted.

2to4. Learned Counsel for the petitioner seeks time to satisfy the Court about maintainability of this petition.

Adjourned to **09.12.2019.**

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No.1491 of 2018

Date _____ Order with Signature(s) of Judge(s) _____

Direction

For orders on Reference dated 30.09.2019

28.10.2019

Mr. Fawad Ali Khichi, Advocate

Mr. Hussain Bux Baloch, Addl: P.G. Sindh

Listed Reference is perused and taken on record. Two months' more time is granted to the trial Court to conclude the trial and submit such report.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-7676 of 2017

Date _____ Order with Signature(s) of Judge(s) _____

Direction

1. For orders on CMA No.30411/2019 (U/A)
2. For order as to maintainability

28.10.2019

Petitioner in person

Mr. Hussain Bux Baloch, Addl: P.G. Sindh

1. No urgency is made out as the matter is already fixed date by Court on **02.12.2019**. Urgent application is dismissed.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-3746 of 2019.

Date _____ Order with Signature(s) of Judge(s) _____

Priority

1. For orders on office objection
2. For orders on CMA No.16786/2019

28.10.2019

Mr. Hussain Bux Baloch, Addl: P.G. Sindh

Mr. Jan Mohammad Khoro, AAG

None present for the petitioner and no intimation is received. Same was position on the last date of hearing. Petitioner is complainant in FIR bearing Crime No.402/2019, U/s 302, 34 PPC, registered at Police Station Shahrah-e-Faisal, Karachi, and has filed this petition for directions to the respondent No.6, SIO Aslam Mughal not to interfere in the investigation on the same FIR.

Learned Add: Prosecutor General Sindh has submitted that the final challan in the said case has been submitted, therefore, this petition has become infructuous.

Be that as it may, since no one is in attendance on behalf of petitioner and no intimation is received, this petition is dismissed along with pending applications for non-prosecution.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4859 of 2019.

Date Order with Signature(s) of Judge(s)

Priority

- 24. For orders on office objection NO.19 & 27
- 25. For orders on CMA No.21263/2019(Ex.Ap)
- 26. For orders on CMA No.21264/2019(Stay/Ap)
- 27. For hearing of Main Case

28.10.2019

Mr. Romal Bakhat, Advocate for petitioner
 Mr. Hussain Bux Baloch, Addl: P.G. Sindh
 Mr. Jan Mohammad Khoro, AAG

Learned Counsel submits that he would be satisfied and would not press this petition, if official respondents are directed not to cause any harassment to the petitioner and for quashment of FIR he would avail remedy before the trial Court u/s 249-A Cr. P.C. or 265-K Cr. P.C. as the case may be as the challan has been submitted.

Learned Addl: Prosecutor General Sindh and learned Assistant Advocate General Sindh, have undertaken that no harassment would be caused to the petitioner by the official respondents and they would act strictly in accordance with law.

Accordingly this petition is disposed of as not pressed in the above terms along with listed applications.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4860 of 2019.

Date Order with Signature(s) of Judge(s)

Priority

1. For orders on office objection
2. For orders on CMA No.21266/2019(Ex.Ap)
3. For orders on CMA No.21267/2019(Stay/Ap)
4. For hearing of Main Case

28.10.2019

Mr. Romal Bakhat, Advocate for petitioner
 Mr. Hussain Bux Baloch, Addl: P.G. Sindh
 Mr. Jan Mohammad Khoro, AAG

Learned Counsel submits that he would be satisfied and would not press this petition, if official respondents are directed not to cause any harassment to the petitioner and for quashment of FIR he would avail remedy before the trial Court u/s 249-A Cr. P.C. or 265-K Cr. P.C. as the case may be as the challan has been submitted.

Learned Addl: Prosecutor General Sindh and learned Assistant Advocate General Sindh, have undertaken that no harassment would be caused to the petitioner by the official respondents and they would act strictly in accordance with law.

Accordingly this petition is disposed of as not pressed in the above terms along with listed applications.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Acq. A. No.263 of 2009

Date _____ Order with Signature(s) of Judge(s) _____

5. For orders on M.A. No.592/2015
6. For hearing of Main Case

28.10.2019

Mr. Saim Hashim, advocate for appellant
Mr. Irfan Ahmed, DAG

Mr. Muhammad Ahmed, advocate holds brief for Ms. Naheed A. Shahid, Advocate for respondents and requests for adjournment as she is busy before another bench of this Court.

Adjourned to **19.12.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Acq. A. No.263 of 2009

Date	Order with Signature(s) of Judge(s)
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7. For orders on M.A. No.592/2015
8. For hearing of Main Case

28.10.2019

Mr. Saim Hashim, advocate for appellant
Mr. Irfan Ahmed, DAG

Mr. Muhammad Ahmed, advocate holds brief for Ms. Naheed A. Shahid, Advocate for respondents and requests for adjournment as she is busy before another bench of this Court.

Adjourned to **19.12.2019.**

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Acquittal Appeal No.245 of 2012

Date	Order with Signature(s) of Judge(s)
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For hearing of Main Case

28.10.2019

Noen present for the appellant
Mr. Saleem Shah, Advocate for respondents

Respondent No.1 is present, whereas, respondent No.3 is not in attendance and his counsel is seeking condonation of his absence on the ground that he is not able to appear before the Court today. No one is in attendance on behalf of appellant.

Adjourned to **18.12.2019.**

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Revision Application No.80 of 2017

Date Order with Signature(s) of Judge(s)

For hearing of Main Case

28.10.2019

Mr. Hussain Bux Baloch, Addl: P.G. Sindh

Mr. Muhammad Faisal Khan, advocate holds brief for Mr. Khawaja Naveed Ahmed Khan, Advocate for applicant and requests for adjournment as he is busy before another bench of this Court.

Adjourned.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Crl. Appeal No. **657** of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Fresh case

1. For orders on M.A. No.10566/2019(U/A)
2. For orders on M.A. No.10567/2019(Ex.Ap.)
3. For hearing of Main Case
4. For orders on M.A. No.10568/2019(U/s 426 Cr. P.C.)

25.10.2019

Mr. Masjood Ali Memon, Advocate for appellant

1. Granted.
 2. Exemption granted but subject to all just exceptions.
- 3&4. This is a statutory appeal filed by the appellant against the conviction and sentence to the appellant vide judgment dated 30.09.2019, passed by the I-Additional Sessions Judge (MCTC) Karachi in Special Case No.474/2019, bearing FIR No.385/2018 CNS Act, 1997, P.S. Clifton, Karachi, whereby, he has been convicted and sentenced to suffer R.I. for one year and three months and to pay fine of Rs.9,000/- (Rupees nine thousand only) and in default of whereof to suffer 03 (three) months more S.I. with benefit of Section 382-B Cr. P.C. Appeal is admitted for regular hearing. Office is directed to call Record and Proceeding from the trial court and prepare the paper book. In the meanwhile, notice be issued to the learned Prosecutor General Sindh for **13.11.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Spl. Cr. ATA No. **297** of 2019

 Date _____ Order with Signature(s) of Judge(s) _____

Fresh case

5. For orders on M.A. No.10677/2019(U/A)
6. For orders on M.A. No.10678/2019(Ex.Ap.)
7. For hearing of Main Case
8. For orders on M.A. No.10679/2019(U/s 426 Cr. P.C.)

25.10.2019

Mr. Shoukat Hayat, Advocate for appellant

1. Granted.
2. Exemption granted but subject to all just exceptions.

3&4. This is a statutory appeal filed by the appellant against the conviction and sentence to the appellant vide judgment dated 12.10.2019, passed by the learned Anti-Terrorism Court No.XIX, Karachi, in Special Case No.121/2017, bearing FIR No.149/2017, U/s 223, 224, 225, 225-A, 114, 216, 34 PPC, R/w Section 7 ATA, registered at Police Station New Town, Karachi in the terms as stated below:-

- "1. Accused persons are convicted u/s 265-H(ii) Cr. PC for committing offence u/s 223 PPC to suffer S.I. for two (02) years and fine of Rs.2000/- each and in case of default of payment of fine, they shall suffer S.I. For one month more*
- 2. Accused persons are convicted u/s 265-H(ii) Cr. P.C. for committing offence u/s 225-A, PPC to suffer S.I for two (02) years and fine of Rs.2000/- each and in case of default of payment of fine, they shall suffer S.I. for one month more.*
- 3. Accused persons are convicted for committing offence 7(g) of ATA, 1997 to suffer S.I. for two (02) years and fine of Rs.2000/- each and in case of default of payment of ifne, they shall suffer S.I. for one month more. The benefits of Section 382-B Cr. P.C. is extended in favour of the all accused persons.*

Appeal is admitted for regular hearing. Office is directed to call Record and Proceeding from the trial court and prepare the paper book. In the meanwhile, notice be issued to the learned P.G. Sindh.

Learned Counsel submits that all the connected appeals filed by the co-accused are fixed on **28.10.2019** and requests that this appeal may also be tagged with same and taken up together. Order accordingly.

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Spl. Cr. ATA No. **296** of 2019

 Date Order with Signature(s) of Judge(s)

Fresh case

9. For orders on M.A. No.10675/2019(U/A)
10. For orders on M.A. No.10676/2019(Ex.Ap.)
11. For hearing of Main Case

25.10.2019

Mr. Shoukat Hayat, Advocate for appellant

1. Granted.
2. Exemption granted but subject to all just exceptions.
3. This is a statutory appeal filed by the appellants against the conviction and sentence to the appellants vide judgment dated 12.10.2019, passed by the learned Anti-Terrorism Court No.XIX, Karachi, in Special Case No.121/2017, bearing FIR No.149/2017, U/s 223, 224, 225, 225-A, 114, 216, 34 PPC, R/w Section 7 ATA, registered at Police Station New Town, Karachi in the terms as stated below:-

- 1. Accused persons are convicted u/s 265-H(ii) Cr. PC for committing offence u/s 223 PPC to suffer S.I. for two (02) years and fine of Rs.2000/- each and in case of default of payment of fine, they shall suffer S.I. For one month more*
- 2. Accused persons are convicted u/s 265-H(ii) Cr. P.C. for committing offence u/s 225-A, PPC to suffer S.I for two (02) years and fine of Rs.2000/- each and in case of default of payment of fine, they shall suffer S.I. for one month more.*
- 3. Accused persons are convicted for committing offence 7(g) of ATA, 1997 to suffer S.I. for two (02) years and fine of Rs.2000/- each and in case of default of payment of ifne, they shall suffer S.I. for one month more. The benefits of Section 382-B Cr. P.C. is extended in favour of the all accused persons.*

Appeal is admitted for regular hearing. Office is directed to call Record and Proceeding from the trial court and prepare the paper book. In the meanwhile, notice be issued to the learned P.G. Sindh.

Learned Counsel submits that all the connected appeals filed by the co-accused are fixed on 28.10.2019 and requests that this appeal may also be tagged with same and taken up together. Order accordingly.

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Cr. Appeal No.652 of 2019

 Date _____ Order with Signature(s) of Judge(s) _____

Fresh case

1. For orders on M.A. No.10482/2019(U/A)
2. For orders on office objection & reply of Adv. at Flag-A
3. For orders on M.A. No.10483/2019(Ex/A)
4. For hearing of Main Case
5. For orders on M.A. No.10484/2019(U/s 426 Cr. P.C.)

25.10.2019

Mr. Dildar M.S. Shaikh, Advocate for appellant

1. Granted.
2. Deferred for the time being.
3. Exemption granted but subject to all just exceptions.

4&5. This is a statutory appeal filed by the appellants against the conviction and sentence to the appellants vide judgment dated 12.09.2019 passed by the learned I-Additional Sessions Judge (MCTC) South, Karachi in Special Case No.1335/2019, bearing FIR No.245 /2019, U/s 6/9 (c) CNS Act, 1997, P.S. Defence, Karachi South in the terms as stated below:-

“Consequent upon the discussion held and findings given in Point No.01 and 02, I have come to the conclusion that the prosecution has successfully proved the charge against the present both accused beyond any reasonable doubt, therefore, accused Kamran Ali S/o Jan Mohammad and Imtiaz Channa alias Amta S/o. Nisar Ahmed produced in custody, are hereby convicted under section 265-H92) Cr. P.C. for committing an offence punishable under section 9(a) read with section 6 of the Control Narcotics Substances Act, 1997 and each of them is sentenced to suffer RI for 01 (one) years and they are also directed to pay fine of Rs.7000/- each and in default thereof they would have to suffer SI for 03 (three) months more. Benefit of Section 382-B Cr. P.C. is also extended to the accused.”

Appeal is admitted for regular hearing. Office is directed to call Record and Proceeding from the trial court and prepare the paper book. In the meanwhile, notice be issued to the learned P.G. Sindh for a date to be fixed by the office.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.1430 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

For hearing of bail application

25.10.2019

Mr. Mehboob Elahi Saham, Advocate for applicant

Mr. Hussain Bux Baloch, Addl: P.G. Sindh a/w ASI Saleem Akhtar,
CRO Branch

Let I.O. of the case shall be in attendance on the next date of hearing
along with original police papers. Adjourned to **13.11.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-5760 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Direction

4. For orders on office objection at Flag-A
5. For orders as to maintainability of Crl Misc. Appl. (as per orders dated 24.06.2019)

25.10.2019

Mr. Tasawar Ali Hashmi Advocate for applicant
Mr. Irfan Ahmed Memon, DAG

Let notice to the respondent No.1 in terms of order dated 24.06.2019
be issued for **05.12.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
 IN THE HIGH COURT OF SINDH, KARACHI
 C.P. No.D-4958 of 2017

Date Order with Signature(s) of Judge(s)

Priority

8. For orders on CMA No.29797/2019
9. For orders on CMA No.26179/2017
10. For orders on office objection
11. For hearing of CMA No.27608/2018
12. For hearing of CMA No.27748/2018
13. For hearing of CMA No.12314/2018
14. For hearing of CMA No.20862/2017
15. For hg. of main case

25.10.2019

Mr. Irfan Ahmed Memon, Advocate
 Mr. Muhammad Asif Malik,, Advocate for respondents No.6 & 7
 Mr. Mukesh Kumar Khatri, DAG
 Mr. Hussain Bux Baloch, Addl: P.G. Sindh

1. Let notice of this application be issued to the alleged contemnors as well as to the learned Advocate General Sindh with directions to submit their reply.

2to8. Learned counsel for the respondents No.6 & 7 has filed a statement, taken on record. A copy whereof has been supplied to the petitioner's counsel, who seeks time to go through the same.

Adjourned.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-2887 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Priority

1. For hearing of CMA No.12963/2019(Stay)
2. For hg. of main case

25.10.2019

Petitioner in person

Mr. Hussain Bux Baloch, Addl: P.G. Sindh

Learned Addl: P.G. seeks time to call I.O. of the case in terms of order dated 20.09.2019.

Adjourned to **03.12.2019.**

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Acq. Appeal No.68 of 2015

Date Order with Signature(s) of Judge(s)

For hearing of main case

25.10.2019

Mr. Faiz Durrani, Advocate for Appellant

Learned Counsel seeks time on the ground that negotiation between the parties are going on. At his request, adjourned to **04.12.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Revision Appl. No.137 of 2016

Date	Order with Signature(s) of Judge(s)
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For hearing of main case

25.10.2019

Mr. Behzad Haider, Advocate for applicant
Mr. Basheer Ahmed, Advocate for respondent No.2
Mr. Khaleeq Ahmed, Advocate for respondent No.3
Mr. Irfan A. Memon, DAG

Learned Counsel for the respondents No.2 & 3 are present and submit that this is a short issue of legal nature. However, no one is in attendance on behalf of respondents No.4 to 7, whereas, regarding their service nothing is available on record. In the circumstances, notice be repeated to respondents No.4 to 7 through all modes of service except publication.

Adjourned.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Acq. Appeal No.152 of 2016

Date Order with Signature(s) of Judge(s)

1. For orders on office objection flag-A
2. For orders on MA No.3681/2016
3. For hearing of main case

25.10.2019

Mr. Abdul Ahad, Advocate for Appellant
Mr. Irfan A. Memon, DAG

None present on behalf of the respondent No.1. Adjourned to
17.12.2019 for which intimation notice be issued to the respondent No.1 for
the next date.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
 IN THE HIGH COURT OF SINDH, KARACHI
 C.P.No.D-7307 of 2018

 Date Order with Signature(s) of Judge(s)

Hq. of case

For hearing of main case

24.10.2019

Petitioner is present in person

Mr. Faheem Hussain Panhwar, DPG

Petitioner is accused in the case bearing FIR No.531/2018, U/s 337-A(I), 342, 382, 506-B, 34 PPC, registered at Police Station Shakra-e-Faisal, Karachi. By means of this petition, he is seeking quashment of FIR and protection against false implication.

We have heard the petitioner, who is present in person. He has stated that the said case has been disposed of under "C" class, which, however, should have been disposed of under "B" class. From his contentions, it appears that he has a grievance against the complainant for allegedly getting him falsely booked in the above case and therefore, he wants an action to be taken against him. The case against the petitioner has been disposed of under "C" class, which would mean that justice has been duly served in his case. For redressal of his grievance of being falsely implicated in the case, he may, subject to all exceptions, avail a remedy in the shape of a Suit for damages or a case for malicious proceedings against the complainant. Since the case against the petitioner has been disposed of, this petition filed for protection and quashment of FIR has become infructuous and is accordingly disposed of having become infructuous.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No.1400 of 2019

Date	Order with Signature(s) of Judge(s)
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For hearing of bail application

24.10.2019

Mr. Tariq Mehmood, Advocate for Applicant
Mr. Faheem Hussain Panhwar, DPG
ASI Saleem Akhtar, CRO Branch

In response to the notice complainant is present and submits that he will not engage his own Counsel and his case may argue by the learned DPG, who has sought time to call for police papers.

Adjourned to **06.11.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Accq. Appeal No.650 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Fresh Case

1. For order on Misc. No.10394/2019(Urgent/App)
2. For order on Misc. No.10395/2019(Exemption/App)
3. For hearing of main case

24.10.2019

Mr. Abdul Rasheed Mughal, Advocate for Appellant

1. Urgency granted.
2. Exemption granted subject to all just exceptions.
3. Let at the first instance notice be issued to the learned Prosecutor General Sindh for his assistance on a date to be fixed by the office.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Accq. Appeal No.650 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Fresh Case

4. For order on Misc. No.10394/2019(Urgent/App)
5. For order on Misc. No.10395/2019(Exemption/App)
6. For hearing of main case

24.10.2019

Mr. Abdul Rasheed Mughal, Advocate for Appellant

1. Urgency granted.
2. Exemption granted subject to all just exceptions.
3. Let in the first instance notice be issued to the learned Prosecutor General Sindh for his assistance for a date to be fixed by the office.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-6758 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Fresh Case

7. For order on Misc. No.29975/2019(Urgent/App)
8. For order on office objection No.1
9. For order on Misc. No.29976/2019(Exemption/App)
10. For hearing of main case

24.10.2019

Mr. Ahteshmullah Khan, Advocate for Petitioner

1. Urgency granted.
2. Deferred for the time being.
3. Exemption granted subject to all just exceptions.
4. Subject to maintainability of this petition, let notice be issued to the learned Advocate General Sindh and learned Prosecutor General Sindh for **12.12.2019** with directions to file comments of relevant officer.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4430 of 2017

Date	Order with Signature(s) of Judge(s)
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For orders as to maintainability of petition

24.10.2019

Petitioner in person

Mr. Faheem Hussain Panhwar, DPG

Petitioner is not ready to argue the case on the point of maintainability and seeks time. At her request, adjourned to **12.12.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-5472 of 2018

Date	Order with Signature(s) of Judge(s)
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For orders as to maintainability of petition

24.10.2019

Mr. Mehmood A. Qureshi, Advocate for Petitioner

Mr. Irfan Ahmed Memon, DAG

Lt. Cdr. Saleem Saqib and Captiaion Nawaz Mirza of Pakistan Navey

By consent, adjourned to **16.12.2019**, when all the counsel shall come prepared to assist the Court on the point involved in this case.

Adjourned to **16.12.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Revision Application No.103 of 2015
Cr. Revision Application No.104 of 2015

Date	Order with Signature(s) of Judge(s)
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For hg. of main case

24.10.2019

Mr. Muhammad Ilyas Tanoli, Advocate for Applicant
Syed Tauqir Hasan, Advocate for Applicant
Mr. Irfan Ahmed Memon, DAG

Let notice be repeated to the respondents for **16.12.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Acq. Appeal No.210 of 2015

Date Order with Signature(s) of Judge(s)

24.10.2019

Mr. Naveed Ahmed, Advocate for Petitioner
Mr. Irfan A. Memon, DAG

Learned Counsel for the petitioner once again requests for time to furnish fresh address of respondents. At his request, adjourned to a date in office.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Revision Appl. No.178 of 2016

Date _____ Order with Signature(s) of Judge(s) _____

For hg. of main case

24.10.2019

Mr. Faheem Hussain Panhwar, DPG

Learned DPG seeks time to call for latest report regarding pendency of the subject case. Adjourned to a date in office.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
 IN THE HIGH COURT OF SINDH, KARACHI
 C.P.No.D-7112 of 2018

Date	Order with Signature(s) of Judge(s)
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For hg. of main case

24.10.2019

Raja Jawad Saahar, advocate for petitioners

Mr. Irfan Ahmed Memon, Deputy Attorney General a/w I.O. Wasiullah Bhatti, AD, FIA Mirupurkhas

I.O. of the case is present and submits that this case has been transferred to the Provincial, Anti-Corruption Establishment Hyderabad and presently is being investigated by Mr. Shafat Ali Mirza, Assistant Director (Executive), Hyderabad. Let notice be issued to the Advocate General Sindh, who shall call for report from the said Investigating Officer in regard to the point involved in this case.

Adjourned to **04.12.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Revision Application No.163 of 2019

Date Order with Signature(s) of Judge(s)

6. For orders on office objection at A
7. For hg. of main case

24.10.2019

Mr. Waqar Alam Abbasi, Advocate for Applicant
Mr. Faheem Hussain Panhwar, DPG

Mr. Fareed Ahmed Dayo, Advocate undertakes to file Vakalatnama on behalf of respondents and claims copy of the revision application, which learned counsel for applicant undertakes to supply him during Court hours.

Adjourned to **29.11.2019.**

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.1387 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Disposed of matter

8. For orders on M.A. No.10653/2019(U/A)
9. For orders on MA No.10654/2019 (U/s 561-A)

23.10.2019

Mr. Abid Qureshi, Advocate a/w applicant

1. Granted.
2. Applicant was granted protective bail for a period of 06 days vide order dated 30.09.2019 against a surety in the sum of Rs.100,000/- and P.R. bond for surrendering before the trial Court at Naushero Feroze. It appears that applicant has not surrendered in the trial Court in terms of said order but has filed this application U/s 561-A Cr. P.C. for extension of time of protective bail. The period of protective bail has already expired and this application has been filed after about 03 weeks of expiry of period granted to the applicant to surrender in the trial Court, which he has not availed. No provision has been cited justifying extension in the period of protective bail, which has already expired. In such circumstances, this application is meritless and is accordingly dismissed.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Spl. Cr. A.T.A. No.293 of 2019

 Date _____ Order with Signature(s) of Judge(s) _____

Fresh case

10. For orders on M.A. No.10597 /2019(U/A)
11. For orders on M.A. No.10598/2019(Ex/A)
12. For hearing of Main Case
13. For orders on M.A. No.10599 /2019(U/s 426 Cr. P.C.)

23.10.2019

Mr. M. Peer Rehman Mehsud, Advocate for appellant

1. Granted.
2. Exemption granted but subject to all just exceptions.

3&4. This is a statutory appeal filed by the appellant against the conviction and sentence to the appellant vide judgment dated 12.10.2019 passed by the learned Anti-Terrorism Court No.XII, Karachi in Special Case No.470/2019, bearing FIR No.92/2019, U/s 23(i) S.A. Act, 2013, registered at Police Station Quaidabad, Karachi in the terms as stated below:-

"I also convict to accused Maqbool Ahmed Khan S/o. Syed Muhammad Khan, U/s 265-H(II) Cr. P.C. in Special Case No.470/2019 and sentence him u/s 24 of S.A. Act, 2013 and accordingly punish him for 10 years of R.I. & fine of Rs.50,000/- in case of non-payment of fine, he shall suffer 6 months more as S.I. His sentences shall run concurrently.

Appeal is admitted for regular hearing. Office is directed to call Record and Proceeding from the trial court and prepare the paper book. In the meanwhile, notice be issued to the learned P.G. Sindh for a date to be fixed by the office.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Spl. Cr. A.T.A. No.292 of 2019

 Date Order with Signature(s) of Judge(s)

Fresh case

1. For orders on M.A. No.10594 /2019(U/A)
2. For orders on M.A. No.10595/2019(Ex/A)
3. For hearing of Main Case
4. For orders on M.A. No.10596 /2019(U/s 426 Cr. P.C.)

23.10.2019

Mr. M. Peer Rehman Mehsud, Advocate for appellant

1. Granted.
2. Exemption granted but subject to all just exceptions.

3&4. This is a statutory appeal filed by the appellant against the conviction and sentence to the appellant vide judgment dated 12.10.2019 passed by the learned Anti-Terrorism Court NO.XII, Karachi in Special Case No.342/2019, bearing FIR No.91/2019, U/s 324, 34 PPC, R/W Section 7 of ATA, 1997, registered at Police Station Quaidabad, Karachi in the terms as stated below:-

“Therefore, I convict to accused Maqbool Ahmed Khan S/o. Syed Muhammad Khan, u/s 265-H(II) Cr. P.C. in special case No.342/2019 and sentence him u/s 337-A(vi) PPC and accordingly punish him for 07 years of R.I. and Arsh which shall be one half of diyat is payable to the parent of child.”

Appeal is admitted for regular hearing. Office is directed to call Record and Proceeding from the trial court and prepare the paper book. In the meanwhile, notice be issued to the learned P.G. Sindh for a date to be fixed by the office.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 CrI. Appeal No. 653 of 2019

 Date Order with Signature(s) of Judge(s)

Fresh case

5. For orders on M.A. No.10485/2019(U/A)
6. For orders on M.A. No.10486/2019(Ex/A)
7. For hearing of Main Case
8. For orders on M.A. No.10487/2019(U/s 426 Cr. P.C.)

23.10.2019

Mr. Abdul Ghaffar Khan Niazi, Advocate for appellant

1. Granted.
2. Exemption granted but subject to all just exceptions.

3&4. This is a statutory appeal filed by the appellant against the conviction and sentence to the appellant vide judgment dated 30.09.2019 passed by the learned I-Additional Sessions Judge/Model Criminal Trial (MCTC) Special Court (CNS), Karachi Central in Special Case No.153/2019, bearing FIR No.119/2019, U/s 6, 9 (C) of CNS Act, 1997, P.S. Sharifabad, Karachi in the terms as stated below:-

“AS a result of my findings on the Point No.1, above, accused is convicted under section 265-H (ii) Cr. P.C. and sentenced for offence under section 6, 9 (c) CNC 1997 to suffer R.I. for five years and six months and to pay fine Rs.25,000/- (Rupees Twenty Five Thousand Only) or in default he shall suffer S.I. for five months and fifteen days more as held in Ghulam Murtaza vs. The Staet PLD 2009 Lahore 362. Accused is also extended benefit of Section 382-B Cr. P.C.”

Appeal is admitted for regular hearing. Office is directed to call Record and Proceeding from the trial court and prepare the paper book. In the meanwhile, notice be issued to the learned P.G. Sindh for a date to be fixed by the office.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Spl. Cr. ATA No. 291 of 2019

 Date _____ Order with Signature(s) of Judge(s) _____

Fresh case

12. For orders on M.A. No.10578/2019(U/A)
13. For hearing of Main Case
14. For orders on M.A. No.10579/2019(U/s 426 Cr. P.C.)

23.10.2019

Mr. Zulfiqar Ali Langha, Advocate for appellant

1. Granted.

2&3. This is a statutory appeal filed by the appellant against the conviction and sentence to the appellant vide judgment dated 12.10.2019, passed by the learned Anti-Terrorism Court No.XIX, Karachi, in Special Case No.121/2017, bearing FIR No.149/2017, U/s 223, 224, 225, 225-A, 114, 216, 34 PPC, R/w Section 7 ATA, registered at Police Station New Town, Karachi in the terms as stated below:-

- “1. Accused persons are convicted u/s 265-H(ii) Cr. PC for committing offence u/s 223 PPC to suffer S.I. for two (02) years and fine of Rs.2000/- each and in case of default of payment of fine, they shall suffer S.I. For one month more*
- 2. Accused persons are convicted u/s 265-H(ii) Cr. P.C. for committing offence u/s 225-A, PPC to suffer S.I for two (02) years and fine of Rs.2000/- each and in case of default of payment of fine, they shall suffer S.I. for one month more.*
- 3. Accused persons are convicted for committing offence 7(g) of ATA, 1997 to suffer S.I. for two (02) years and fine of Rs.2000/- each and in case of default of payment of ifne, they shall suffer S.I. for one month more.*
The benefits of Section 382-B Cr. P.C. is extended in favour of the all accused persons.

Appeal is admitted for regular hearing. Office is directed to call Record and Proceeding from the trial court and prepare the paper book. In the meanwhile, notice be issued to the learned P.G. Sindh.

Learned Counsel submits that all the connected appeals filed by the co-accused are fixed tomorrow i.e. 24.10.2019 and requests that this appeal may also be tagged with same and taken up together. Order accordingly.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Spl. Cr. ATA No. 285 of 2019

 Date _____ Order with Signature(s) of Judge(s) _____

Fresh case

1. For orders on M.A. No.10466 /2019(U/A)
2. For orders on M.A. No.10467/2019(Ex. A)
3. For hearing of Main Case
4. For orders on M.A. No.10468/2019(U/s 426 Cr. P.C.)

21.10.2019

Mr. Aswad Ali Chuhan, Advocate for appellant

1. Granted.

2 . Exemption granted but subject to all just exceptions.

3&4. This is a statutory appeal filed by the appellant against the conviction and sentence to the appellant vide judgment dated 30.09.2019, passed by the learned Anti-Terrorism Court No.1, Karachi Division, in FIR No.185/2019, U/s 353, 324, 34 PPC, R/w Section 7 ATA, registered at Police Station Sukhan, Karachi in the terms as stated below:-

“In view of my findings on points No.1 and 2, the prosecution has proved its charges against the accused Syed Alam son of Qutub Syed,Atiq-u-Rehman son of Abdul Rehman and Muhammad Farhan son of Muhammad Iqbal beyond any shadow of doubt, I therefore, convict and sentence them R.I. for ten years each and fine of Rs.50,000/- (Rupees Fifty Thousands) each for the offence punishable u/s 7(b) of Anti-Terrorism Act, 1997, in case of non-payment of fine, they shall suffer S.I. for 6 months more. I also convict and sentence them R.I. for ten years each with fine of Rs.50,000/- (Rupees Fifty Thousands) each, for the offence punishable u/s 324 PPC, in case of non-payment of fine, they shall suffer with fine of Rs.30,000/- (Rupees Thirty Thousands) each, for the offence, they shall suffer S.I. for three months more. I also convict and sentence them R.I. for one year each with fine of Rs.10,000/- (Rupees Ten Thousands) each for the offence punishable u/s 353 PPC, in case of non-payment of fine, they shall suffer S.I. for one month more. I also convict and sentence them R.I. for five years each with fine of Rs.30,000/- (Rupee Thirty Thousands) each, for the offence punishable under section 23(1) of Sindh Arms Act, 2013 in case of non-payment of fine, they shall suffer S.I. for three months more. All the sentences shall run concurrently. The benefit of section 382-B Cr. P.C. is also extended to them.”

Appeal is admitted for regular hearing. Office is directed to call Record and Proceeding from the trial court and prepare the paper book. In the meanwhile, notice be issued to the learned P.G. Sindh a date to be fixed by the office.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.1346 of 2019

Date	Order with Signature(s) of Judge(s)
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For hearing of bail application

23.10.2019

Mr. Nadeem Ahmed Azar, Advocate for applicant
Mr. Faheem Hussain, DPG
ASI Saleem Akhtar, CRO Branch

Learned defence counsel submits that this bail application is connected along with Cr. B.A. No.1345/2019, which is fixed on 01.11.2019 may be fixed on the same day. Order accordingly.

Adjourned to **01.11.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4556 of 2019

Date Order with Signature(s) of Judge(s)

Fresh case

1. For order objection No.1, 5, 8, 12, 18, 19, 25, & 27
2. For order on Misc. No.19859/2019(Exp/App)
3. For hearing of main case

23.10.2019

Petitioner in person

Petitioner was accused in the case bearing FIR No.96/2017, U/s 506-B, 34 PPC, registered at Police Station Hyderi Market, Karachi, registered in the wake of an order passed on Application U/s 22-A Cr. P.C. filed by the complainant. In the said case, the petitioner has been acquitted by the trial Court vide judgment dated 14.12.2018.

By means of this petition, the petitioner is seeking declaration to the effect that the entire proceedings starting from the order on Application U/s 22-A-B Cr. P.C. to final judgment in the said case are null and void and further it may be declared that he was falsely implicated in the case and that the impugned judgment is unfair and unjust passed without considering his defence.

We have heard the petitioner, who is present in person. From his contentions, it appears that he has a grievance against the complainant for allegedly getting him falsely booked in the above case and therefore, he wants an action to be taken against him. The petitioner has already been acquitted by the trial Court, which would mean that justice has been duly served in his case. For redressal of his grievance of being falsely implicated in the case, he has a remedy in the shape of a Suit for damages or a case for malicious proceedings against the complainant. In the constitutional jurisdiction, this Court cannot proceed to determine disputed facts between the parties and give declaration of the sort the petitioner is asking for. This being the position, we dismiss this petition being not maintainable and leave the petitioner, however, to avail a proper remedy as suggested hereinabove in accordance with law, if he is so advised.

JUDGE

JUDGE

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4735 of 2019

Date

Order with Signature(s) of Judge(s)

23.10.2019

Mr. Naveed Qamar, Advocate holds brief for Mr. Saadat Hassan, Advocate for the petitioner and requests for adjournment as he is busy before another bench of this Court. Adjourned.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4735 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Fresh case

5. For orders on office objection
6. For orders on M.A. No.23002/2019
7. For hearing of main case

23.10.2019

Mr. Liaquat Ali Khan, Advocate for Petitioner

Petitioner is accused in two (02) FIRs bearing Crime No.214/2019, U/s 448, 506-B, 34 PPC and Crime No.271/2019, U/s 385, 506-B, 34 PPC R/w Section 7 ATA, both registered against the petitioner at Police Station Surjani Town, Karachi. The grievance of the petitioner is that he has been falsely implicated by the private respondent Nos.09 to 11 and police is acting on their behalf illegally.

Learned Counsel for the petitioner has submitted that one FIR bearing Crime NO.271/2019 has been disposed of under "B" Class, whereas in second FIR bearing Crime No.214/2017, investigation has been completed and challan has been submitted before the relevant Court.

We are of the view that if the petitioner has been falsely implicated in the case, he has remedy before the trial Court as challan has been submitted. Insofar as allegations of harassment of police officials are concerned, we have perused the papers filed with the instant petition and find no substance indicating that police officials have malafidely implicated the petitioner or they are acting in league with private respondents. This being the position, we dismiss this petition along with pending applications. However, the petitioner may avail the remedy before the trial Court in accordance with law.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-5295 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Fresh case

1. For orders on office objection
2. For orders on M.A. No.23002/2019
3. For hearing of main case

23.10.2019

Mr. Liaquat Ali Khan, Advocate for Petitioner

Petitioner is accused in two (02) FIRs bearing Crime No.214/2019, U/s 448, 506-B, 34 PPC and Crime No.271/2019, U/s 385, 506-B, 34 PPC R/w Section 7 ATA, both registered at Police Station Surjani Town, Karachi. His grievance is that he has been falsely implicated by the private respondent Nos.09 to 11 in these cases and police are providing the requisite assistance to them.

However, in the course of arguments, learned Counsel for the petitioner has submitted that one FIR bearing Crime NO.271/2019 has been disposed of under "B" Class, whereas in second FIR bearing Crime No.214/2017, investigation has been completed and challan has been submitted before the relevant Court.

In such circumstances, when one of two cases has already been disposed of and in the remaining case the challan has been submitted, the petitioner has a remedy before the trial Court in shape of application U/s 249-A Cr. P.C. to get relief which he is seeking through this petition. Insofar as allegations of harassment against the police officials are concerned, we have perused the papers filed with the instant petition, and find no substance indicating that police officials have malafidely acted against the petitioner or they are in league with private respondents. This being the position, we dismiss this petition along with pending applications in the above terms.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-6560 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Fresh case

4. For orders on M.A. No.29466/2019(U/A)
5. For orders on office objection
6. For orders on M.A. No.29112/2019 (Ex.A)
7. For orders on M.A. No.29113/2019 (Stay App)
8. For hearing of main case

23.10.2019

Mr. Raja Abdul Malik, Advocate for petitioner

1. Granted.
 2. Deferred for the time being.
 3. Exemption granted but subject to all just exceptions.
- 4&5. Notice to the respondents as well as to the learned Prosecutor General Sindh and Advocate General Sindh for a date to be fixed by the office.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Misc. Application No. 429 of 2019

Date Order with Signature(s) of Judge(s)

Fresh case

9. For orders on M.A. No.10534/2019(U/A)
10. For orders on office objection
11. For orders on M.A. No.10535/2019 (Ex.A)
12. For hearing of main case
13. For orders on M.A. No.10536/2019 (Stay App)

23.10.2019

Mr. Abdul Majeed Khoso, Advocate for applicant

1. Granted.
 2. Deferred for the time being.
 3. Exemption granted but subject to all just exceptions.
- 4&5. Notice to the respondents as well as to the learned Prosecutor
General Sindh for **31.10.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-6722 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Priority

1. For hearing of Misc. No.15483/2019
2. For hearing of main case

23.10.2019

Mr. Muhammad Irfan Memon, DAG

Ms. Humaira, Advocate holds brief for Ms. Asma Khan, Advocate for the petitioner and requests for adjournment as she is busy before another bench of this Court.

Adjourned to **11.12.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-6753 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Fresh case

14. For orders on M.A. No.29960/2019(U/A)
15. For orders on office objection No.26
16. For orders on M.A. No.29961/2019 (Ex.A)
17. For orders on M.A. No.29962/2019 (Stay App)
18. For hearing of main case

23.10.2019

Mr. Manzoor Hussain Baloch, advocate for petitioner

1. Granted.
 2. Deferred for the time being.
 3. Exemption granted but subject to all just exceptions.
- 4&5. Notice to the respondents as well as to the learned Prosecutor General Sindh and Advocate General Sindh for a date to be fixed by the office.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-6293 of 2018

Date _____ Order with Signature(s) of Judge(s)
For order as to maintainability of petition

23.10.2019

Mr. Waqar Ahmed, Advocate for petitioner
Mr. Muhammad Irfan Memon, DAG

Learned DAG seeks time to file relevant report on the next date of hearing. At his request, adjourned to a date in office.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-8427 of 2018

Date	Order with Signature(s) of Judge(s)
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For direction

For order on progress report dated 14.05.2019

23.10.2019

Mr. Abdul Majeed Khoso, Advocate for petitioner

Mr. Faheem Hussain Panhwar, DPG

Mr. Jan Muhammad Khoro, AAG

The report of SSP Investigation, East, Karachi, in compliance of order dated 24.04.2019 has been filed, which is seen and filed accordingly.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4576 of 2019

Date	Order with Signature(s) of Judge(s)
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For orders as to maintainability of petition

23.10.2019

Petitioner in person
Mr. Faheem Hussain Panhwar, DPG

Petitioner is present but his counsel is called absent. On the other hand learned DPG has pleaded urgency on the ground that in this matter by order 20.08.2019 the original proceedings of the case have been stayed. In the circumstances, as a last and final chance, the matter is adjourned to

31.10.2019.

Interim order passed earlier to continue till the next date of hearing.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
 IN THE HIGH COURT OF SINDH, KARACHI
 C.P.No.D-3444 of 2019

Date	Order with Signature(s) of Judge(s)
	<u>Priority</u> 3. For hearing of Misc. No.15483/2019 4. For hearing of main case

23.10.2019

Mr. Muhammad Irfan Memon, DAG

Ms. Humaira, Advocate holds brief for Ms. Asma Khan, Advocate for the petitioner and requests for adjournment as she is busy before another bench of this Court.

Adjourned to **11.12.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-6412 of 2019

Date Order with Signature(s) of Judge(s)

Priority

5. For orders on office objection
6. For hearing of Misc. No.28438/2019
7. For hearing of main case

23.10.2019

Mr. H. Rai Khemani, Advocate for petitioner

In response to notice, Tara Chand, Respondent No.4 has appeared and seeks time to engage Counsel. At his request, Adjourned to **11.12.2019.**

Ad-interim order passed earlier to continue till the next date of hearing.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEETIN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-13 of 2014

Date	Order with Signature(s) of Judge(s)
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For hearing of main case

23.10.2019

Syed Asam-ul-Haq, Advocate for petitioner
Mr. Faheem Hussain Panhwar, DPG

Learned Counsel for the petitioner

after arguing the matter at some length, does not press this petition filed against the impugned order dated 28.01.2011, whereby his case bearing Crime No.438/2010, U/s 406, 420 PPC, registered at Police Station Frere, Karachi was disposed of under "B" Class and submits that he would avail a proper remedy U/s 200 Cr. P.C. before the trial Court in accordance with law.

Learned DPG has recorded no objection to it. Accordingly, this petition is dismissed as not pressed in the terms as stated above.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-6109 of 2014

DATE	ORDER WITH SIGNATURE OF JUDGE
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Hg. of case

1. For orders on CMA No.31702/2014
2. For hg. of main case

23.10.2019.

Mr. Abbadul Hasnain, Advocate for petitioner
 Mr. Faheem Hussain Panhwar, Deputy P.G. Sindh
 Mr. Jan Muhammad Khorro, AAG

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This constitutional petition has been filed against the order passed by learned Vth Additional Sessions Judge Karachi Central / Ex-Officio Justice of Peace, Central, Karachi on an application under section 22-A Cr.P.C, on the premise that such being the administrative order is amenable only to the constitutional jurisdiction. However, the Honourable Supreme Court in the case of ***Younas Abbas and others v. Additional Sessions Judge Chakwal and others (PLD 2016 SC 581)*** has held that the order passed by the Ex-Officio Justice of Peace is *quasi-judicial* order and is amenable to judicial review. We, therefore, are minded that such orders could be judicially reviewed by this court under its inherent powers instead of resorting to the constitutional jurisdiction, which is exercised inter alia, if no other adequate and efficacious remedy is available to the aggrieved party. In the circumstances, we convert this petition into Criminal Miscellaneous Application and direct the office to assign it a number accordingly and fix the same before learned Single Bench of this Court for further proceedings.

Adjourned to a date in office.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

DATE	ORDER WITH SIGNATURE OF JUDGE
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1.

23.10.2019.

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JUDGE

JUDGE

Barkat Ali/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Spl. Cr. ATA No.282 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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2. For hearing of main case
3. For hearing of MA No.10300/2019

22.10.2019.

Mr. Aamir Mansoob Qureshi, Advocate for appellant
Mr. Ashraf Ali Nizamani, Complainant

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Due to paucity of time, the matter is adjourned to **24.10.2019**, when connected appeals are fixed.

JUDGE

JUDGE

Barkat Ali/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
 C.P.No.D-8239 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of main case

22.10.2019.

Petitioner in person
 Mr. Farmanullah Kanasro, Addl: P.G. Sindh.

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Mr. Manzoor Hussain Khoso, Advocate has filed Vakalatnama on behalf of petitioner, taken on record.

This constitutional petition has been filed against the order passed by learned District & Sessions Judge Karachi West / Ex-Officio Justice of Peace, West, Karachi on an application under section 22-A Cr.P.C, on the premise that such being the administrative order is amenable only to the constitutional jurisdiction. However, the Honourable Supreme Court in the case of ***Younas Abbas and others v. Additional Sessions Judge Chakwal and others (PLD 2016 SC 581)*** has held that the order passed by the Ex-Officio Justice of Peace is *quasi-judicial* order and is amenable to judicial review. We, therefore, are minded that such orders could be judicially reviewed by this court under its inherent powers instead of resorting to the constitutional jurisdiction, which is exercised inter alia, if no other adequate and efficacious remedy is available to the aggrieved party. In the circumstances, we convert this petition into Criminal Miscellaneous Application and direct the office to assign it a number accordingly and fix the same before learned Single Bench of this Court for further proceedings.

Adjourned to a date in office.

JUDGE
 JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P.No.D-5157 of 2019

Date	Order with Signature(s) of Judge(s)
	For hearing of main case

22.10.2019

Mr. Nisar Ahmed Mangi, Advocate for petitioner

Learned Special Prosecutor, NAB is not present and on his behalf Mr. Muhammad Irfan, DAG is holding brief and seeking adjournment. Adjourned to **28.10.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.1381 of 2019

Date _____ Order with Signature(s) of Judge(s) _____
For hearing of bail application

22.10.2019

None present for the applicant

Mr. Faheem Hussain, DPG along with DSP Mehmood Hussain and
ASI Saleem Akhtar, CRO Branch

Learned DPG requests for calling police papers. At his request,
adjourned to 30.10.2019.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-6721 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Fresh case

19. For orders on M.A. No.29809/2019(U/A)
20. For orders on office objection No.1, 2 & 3
21. For orders on M.A. No.29810/2019 (Ex.A)
22. For hearing of main case

22.10.2019

Mr. Muhammad Ramzan, Advocate along with Petitioner No.1

1. Granted.
- 2 . Deferred for the time being.
3. Exemption granted but subject to all just exceptions.
4. Notice to the respondents as well as to the learned Prosecutor General Sindh for **04.11.2019**, when I.O. of the case shall be in attendance along with relevant record.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Appeal No.192 of 2011

Date Order .with signature of Judge

Disposed of

For orders on Assistant Registrar Diary dated 05.10.2019

22.10.2019

Mr. Muhammad Irfan Memon, DAG

Let notice to the surety of the appellant in terms of order dated 09.08.2019 and NBWs against the appellant be issued to be served through SHO Police Station, Kharadar, Karachi, in case of failure, he shall be in attendance in person to explain the position.

Adjourned to a date in office.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-5530 of 2016

Date	Order .with signature of Judge
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Direction

For order as to maintainability of CMA No.19918/2019(Contempt)

22.10.2019

Petitioner in person

Mr. Jan Muhammad Khoro, AAG

Mr. Faheem Hussain Panhwar, DPG along with DSP Wajahat Hussain SDPO/Gulbar and SIP Javaid M. Bhatti, P.S. Gulbhar, Karachi

This petition was disposed of vide order dated 10.04.2017 with the observations that dispute between the parties is a civil nature and pertains to property belonging to KMC, and in view of such position, the official respondents were directed to act strictly in accordance with law. Thereafter, the petitioner filed Miscellaneous Applications bearing CMA No.19306/2018 and 22776/2018 alleging contempt of Court, which too were dismissed vide order dated 04.09.2018, whereby the matter was again analyzed in detail and the police officials were directed to act strictly in accordance with law. Again the petitioner has filed listed application (CMA NO.19918/2019) alleging contempt without any supporting evidence. Police officials are present and have denied to have caused any harassment to the petitioner and submit that there is a dispute of a civil nature between the petitioner and private respondents regarding which civil suits are already pending and due to aggressive behavior of the parties, they have already approached Judicial Magistrate concerned for initiation of proceedings under Section 145 Cr. P.C.

Be that as it may, we find no substance in the listed application and dismiss it accordingly with warning to the petitioner not repeat such application in future.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-1032 of 2017

Date	Order .with signature of Judge
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Direction

1. for orders as to maintainability of petition vide order dated 20.02.2017
2. For hearing of CMA NO.5438/2017
3. For hearing of main case

22.10.2019

Mr. Zakir Laghari, Advocate for petitioner

Mr. Faheem Hussain Panhwar, DPG

Learned Counsel for the petitioner submits that the entire trial has been concluded and the case has been fixed for announcement of judgment for the last 04 months. He submits that if directions are issued to the trial Court to announce the judgment within a reasonable time, he would not press this petition.

Learned DPG has recorded no objection to this proposition.

Accordingly, this petition is dismissed as not pressed along with pending applications. However, as the trial has been concluded, we are hopeful that the trial Court would announce the judgment within a period of one month.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-3121 of 2017

Date Order .with signature of Judge

22.10.2019

Petitioner in person

Not to be fixed this matter before a bench in which one of us
(Muhammad Iqbal Kalhoro, J) is a member. Adjourned.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Spl. Cr. ATA No. 285 of 2019

Date	Order with Signature(s) of Judge(s)
	Fresh case
	23. For orders on M.A. No.10466 /2019(U/A)
	24. For orders on M.A. No.10467/2019(Ex. A)
	25. For hearing of Main Case
	26. For orders on M.A. No.10468/2019(U/s 426 Cr. P.C.)

21.10.2019

Mr. Aswad Ali Chuhan, Advocate for appellant

1. Granted.

2 . Exemption granted but subject to all just exceptions.

3&4. This is a statutory appeal filed by the appellant against the conviction and sentence to the appellant vide judgment dated 30.09.2019, passed by the learned Anti-Terrorism Court No.1, Karachi Division, in FIR No.185/2019, U/s 353, 324, 34 PPC, R/w Section 7 ATA, registered at Police Station Sukhan, Karachi in the terms as stated below:-

"In view of my findings on points No.1 and 2, the prosecution has proved its charges against the accused Syed Alam son of Qutub Syed,Atiq-u-Rehman son of Abdul Rehman and Muhammad Farhan son of Muhammad Iqbal beyond any shadow of doubt, I therefore, convict and sentence them R.I. for ten years each and fine of Rs.50,000/- (Rupees Fifty Thousands) each for the offence punishable u/s 7(b) of Anti-Terrorism Act, 1997, in case of non-payment of fine, they shall suffer S.I. for 6 months more. I also convict and sentence them R.I. for ten years each with fine of Rs.50,000/- (Rupees Fifty Thousands) each, for the offence punishable u/s 324 PPC, in case of non-payment of fine, they shall suffer with fine of Rs.30,000/- (Rupees Thirty Thousands) each, for the offence, they shall suffer S.I. for three months more. I also convict and sentence them R.I. for one year each with fine of Rs.10,000/- (Rupees Ten Thousands) each for the offence punishable u/s 353 PPC, in case of non-payment of fine, they shall suffer S.I. for one month more. I also convict and sentence them R.I. for five years each with fine of Rs.30,000/- (Rupee Thirty Thousands) each, for the offence punishable under section 23(1) of Sindh Arms Act, 2013 in case of non-payment of fine, they shall suffer S.I. for three months more. All the sentences shall run concurrently. The benefit of section 382-B Cr. P.C. is also extended to them."

Appeal is admitted for regular hearing. Office is directed to call Record and Proceeding from the trial court and prepare the paper book. In the meanwhile, notice be issued to the learned P.G. Sindh a date to be fixed by the office.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Spl. Cr. ATA No. 284 of 2019

Date Order with Signature(s) of Judge(s)

Fresh case

27. For orders on M.A. No.10463 /2019(U/A)
28. For orders on M.A. No.10464/2019(Ex. A)
29. For hearing of Main Case
30. For orders on M.A. No.10465/2019(U/s 426 Cr. P.C.)

21.10.2019

Mr. Aswad Ali Chuhan, Advocate for appellant

1. Granted.

2 . Exemption granted but subject to all just exceptions.

3&4. This is a statutory appeal filed by the appellant against the conviction and sentence to the appellant vide judgment dated 30.09.2019, passed by the learned Anti-Terrorism Court No.1, Karachi Division, in FIR No.187/2019, U/s 23(i)-A Sindh Arms Act, 2013, registered at Police Station Sukhan, Karachi in the terms as stated below:-

“In view of my findings on points No.1 and 2, the prosecution has proved its charges against the accused Syed Alam son of Qutub Syed,Atiq-u-Rehman son of Abdul Rehman and Muhammad Farhan son of Muhammad Iqbal beyond any shadow of doubt, I therefore, convict and sentence them R.I. for ten years each and fine of Rs.50,000/- (Rupees Fifty Thousands) each for the offence punishable u/s 7(b) of Anti-Terrorism Act, 1997, in case of non-payment of fine, they shall suffer S.I. for 6 months more. I also convict and sentence them R.I. for ten years each with fine of Rs.50,000/- (Rupees Fifty Thousands) each, for the offence punishable u/s 324 PPC, in case of non-payment of fine, they shall suffer with fine of Rs.30,000/- (Rupees Thirty Thousands) each, for the offence, they shall suffer S.I. for three months more. I also convict and sentence them R.I. for one year each with fine of Rs.10,000/- (Rupees Ten Thousands) each for the offence punishable u/s 353 PPC, in case of non-payment of fine, they shall suffer S.I. for one month more. I also convict and sentence them R.I. for five years each with fine of Rs.30,000/- (Rupee Thirty Thousands) each, for the offence punishable under section 23(1) of Sindh Arms Act, 2013 in case of non-payment of fine, they shall suffer S.I. for three months more. All the sentences shall run concurrently. The benefit of section 382-B Cr. P.C. is also extended to them.”

Appeal is admitted for regular hearing. Office is directed to call Record and Proceeding from the trial court and prepare the paper book. In the meanwhile, notice be issued to the learned P.G. Sindh a date to be fixed by the office.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-5482 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Priority

1. For order on office objection
2. For hg. of CMA No.24144/2019
3. For hg. of main case

21.10.2019

Moulvi Iqbal Haider Advocate for petitioner

Mr. Khalid Mehmood Awan, Special Prosecutor, NAB

Learned Special Prosecutor, NAB seeks time to call I.O. at his request, adjourned to **04.11.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4524 of 2019

Date	Order with Signature(s) of Judge(s)
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For orders as to non-prosecution

21.10.2019

Mr. Saleem Akhtar Buriro, Addl: Prosecutor General Sindh

No one is in attendance on behalf of the petitioner. Learned Additional Prosecutor General Sindh is directed to call I.O. on the next date of hearing to see what progress has been made in the case. Adjourned. Office to transmit a copy of this order to the office of learned Prosecutor General for information and compliance.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Acquittal Appeal No.567 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Fresh case

1. For orders on MA No.9502/2019(Exemption)
2. For hearing of main case

21.10.2019

Mr. Ali Goher Masroof, Advocate for appellant

Learned Counsel seeks time to file copies of depositions of witnesses.
Time is allowed. Adjourned to a date in office.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Cr. Rev. Application No.77 of 2017

Date Order with Signature(s) of Judge(s)

Priority cases

1. For orders on office objection
2. For hg. of main case
3. For hg. of MA No.4871/2017
4. For hg. of MA NO.4872/2017
5. For hg. of MA No.13205/2017

21.10.2019

Mr. Muhammad Shahzad, Advocate holding brief for Mr. Khawaja Shamsul Islam, Advocate for petitioner

Mr. Qamar Iqbal, Advocate for applicant/intervener

Mr. Muhammad Adan Memon, DAG

Mr. Muhammad Shahzad associate of Mr. Khawaja Shamsul Islam, Advocate for petitioner submits that aunty of latter has died today morning because of that reason Mr. Khawaja Shamsul Islam is not able to appear before the Court today and seeks time on this ground.

Adjourned to **12.11.2019**. Interim order passed earlier to continue till the next date of hearing.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-7947 of 2018

Date _____ Order with Signature(s) of Judge(s) _____

Priority

6. For orders on office objection
7. For order on CMA NO.34752/2018
8. For hg. of CMA NO.34753/2018
9. For hg. of MA NO.5377/2014

21.10.2019

Mr. Faizan Memon

Mr. Hakim Ali Sheikh, Addl: Advocate General Sindh

Mr. Muhammad Adan Memon, DAG

Learned Counsel for the petitioner submits that since show-cause notice has been withdrawn by the Ombudsman as is reflected in Para-10 of the comments, he does not press this petition, which is accordingly disposed of along with pending applications in the above terms.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Revision Application No.90 2014

Date _____ Order with Signature(s) of Judge(s) _____

10. For hg. of main case
11. For hg. of MA NO.5377/2014

21.10.2019

Mr. Muhammad Ashraf, Advocate holding brief for Mr. Shamshad
Alam Lari, Advocate

Ms. Abida Parveen Channer, Special Prosecutor, ANF

Learned Special Prosecutor, ANF submits that during pendency of the case, the car which was used in crime has been transferred by the Excise & Taxation Department in favour of the petitioner without even conducting physical checking out of the car. Let notice on this issue be issued to the learned Advocate General Sindh, who shall file his comments as to under what law this transfer has been allowed by the Excise & Taxation Department.

Adjourned to **28.11.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
 IN THE HIGH COURT OF SINDH, KARACHI
 C.P.No.D-1800 of 2016

Date	Order with Signature(s) of Judge(s)
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Hg. of case

1. For orders on office objection
2. For hg. of main case

21.10.2019

Mr. Muhammad Farooq, Advocate

Mr. Muhammad Irfan Memon, Assistant Attorney General

Mr. Muhammad Farooq, Advocate submits that petitioner had engaged Mr. Ilayas Awan, Advocate as his senior in the instant matter, who has since retired, an intimation notice be issued to the petitioner. We only as an indulgence are issuing an intimation notice to the petitioner to see whether he is interest to proceed with this matter or not.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-5880 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Hearing

1. For orders on office objection
2. Hearing of main case

18.10.2019

Mr. Qadir Hussain Khan, Advocate for petitioner a/w petitioner
Mr. Abrar Ali Khichi, Addl: P.G. Sindh

Office to call report in terms of order dated 01.10.2019. Adjourned to
21.11.2019.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-6130 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Hearing

1. For orders on office objection
2. Hearing of main case

18.10.2019

None present for the petitioner
Mr. Siraj Ali K. Chandio, Additional Prosecutor General along with SI Khursheed, SI Zakirullah of P.S. Quaidabad and I.O. of the case ASI Azam Khan

Comments have been filed by official respondents. Mr. Rao Liaquat Ali Khan, Advocate has filed power on behalf of Respondent No.7. However, SSP Investigation, Malir, Karachi, is directed to submit list of cases investigated by the Investigating Officer (IO), namely, ASI Azam Khan as on Court's queries, has not been able to show for what Section 489-F PPC stands for in which he has investigated the case and has submitted challan.

Adjourned to **02.12.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-6153 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Priority

1. For orders on office objections
2. For hearing of Misc. No.27313/2019
3. For hearing of main case

18.10.2019

Mr. Amjad Hussain Rajpur, Advocate for petitioners
 Mr. Siraj Ali K. Chandio, Additional Prosecutor General
 Mr. Jan Muhammad Khoro, AAG

Petitioner No.1 Mst. Zareena is present and has reiterated her marriage with petitioner No.2 Dhani Bux out of her own free-will and choice. On Court's directions she has had a meeting with her parents but even then she has stated that she would reside with petitioner No.2, who is her husband.

I.O. of the case has recorded statement of the petitioner No.1 which is to the same effect and in view of the same I.O. submits that he would dispose of the case under 'C' Class and submit such a report before the Judicial Magistrate concerned.

Learned counsel for the petitioner has shown satisfaction and seeks disposal of this petition in the light of above. Accordingly, this petition in the terms as stated above is disposed of along with pending application(s) with directions to the I.O. to submit a report disposing of the case under 'C' Class before the learned Judicial Magistrate concerned, who shall thereafter pass an order in accordance with law within a period of fifteen (15) days.

Petition stands disposed of along with pending application(s) in the above terms.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4814 of 2013

Date	Order with Signature(s) of Judge(s)
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For hearing of CMA No.1959/2015

18.10.2019

Mr. Muhammad Safdar Advocate

Mr. Irfan Ahmed, DAG

Learned Counsel for the petitioner seeks time. At his request,
adjourned to 05.12.2019.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-8329 of 2018

Date	Order with Signature(s) of Judge(s)
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For hearing of CMA No.25100/2019

18.10.2019

Applicant/Surety in person

Mr. Khalid Mehmood Awan, Special Prosecutor, NAB

Learned Special Prosecutor, NAB seeks time to go through the listed application and file his reply, if any. At his request, adjourned to **11.11.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.1142 of 2019

Date	Order with Signature(s) of Judge(s)
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For hearing of bail application

18.10.2019

Mr. Niaz Ali, Advocate for applicant

Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh

It appears that complainant, who was present on 13.09.2019 is called absent without intimation. However, learned Additional Prosecutor General Sindh seeks time to call I.O. of the case for his assistance. At his request, adjourned to **01.11.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Cr. B.A. No.1475 of 2019

Date Order with Signature(s) of Judge(s)

Fresh case

1. For Order on Misc. No.27472/2019
2. For order on Misc. No.27506/2019
3. For haring of main case

18.10.2019

Mr. Shamsuzaman Koondhar, Advocate for petitioner
 Mr. Ahmed Uddin Hanjrah, Advocate for Respondents
 Mr. Jan Muhammad Khoro, AAG along with Zahid Shaikh, SHO
 Jhimpir, Thatta.
 Respondent No.3 & 5 in person

Mr. Abdul Latif Leghari, Advocate has filed power along with
 comments on behalf of respondent No.5, taken on record.

I.O. of the case, however, is not present and it is informed that only
 interim challan so far has been submitted and during investigation of the
 case interim order has been passed in C.P.No.126/2019, which has not been
 considered. In view of above, I.O. of the case shall be in attendance along
 with all documents on the next date of hearing.

Adjourned to **02.12.2019**. Interim order passed earlier in C.P.No.D-
 126/2019 to continue till the next date of hearing.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 C.P.No.D-6188 of 2019
 C.P.No.D-126 of 2019

 Date Order with Signature(s) of Judge(s)

Fresh case

31. For Order on Misc. No.27472/2019
 32. For order on Misc. No.27506/2019
33. For haring of main case

18.10.2019

Mr. Shamsuzaman Koondhar, Advocate for petitioner
 Mr. Ahmed Uddin Hanjrah, Advocate for Respondents
 Mr. Jan Muhammad Khoro, AAG along with Zahid Shaikh, SHO
 Jhampir, Thatta.
 Respondent No.3 & 5 in person

Mr. Abdul Latif Leghari, Advocate has filed power along with
 comments on behalf of respondent No.5, taken on record.

I.O. of the case, however, is not present and it is informed that only
 interim challan so far has been submitted and during investigation of the
 case interim order passed in C.P.No.126/2019, has not even been
 considered. In view of above, I.O. of the case shall be in attendance along
 with all documents on the next date of hearing.

Adjourned to **02.12.2019**. Interim order passed earlier in C.P.No.D-
 126/2019 to continue till the next date of hearing.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P.No.D-6419 of 2019

Date Order with Signature(s) of Judge(s)

Fresh case

- 1) For order on Misc. No.29251/2019(Urgent/app)
- 2) For order on office objection No.5
- 3) For order on Misc. No.28466/2019(Ex./App)
- 4) For hearing of Main Case

17.10.2019

Mr. Muhammad Hashim Soomro, Advocate for petitioner

1. Granted.
- 2 . Deferred for the time being.
3. Exemption granted but subject to all just exceptions.
4. Notice to the respondents as well as to the learned Additional Attorney

General Sindh for **25.11.2019.**

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P.No.D-**6558** of 2019

Date Order with Signature(s) of Judge(s)

Fresh case

- 1) For order on Misc. No.29108/2019(Urgent/app)
- 2) For order on office objection No.18 & 26
- 3) For order on Misc. No.29109/2019(Ex./App)
- 4) For order on Misc. No.29110/2019(Stau/App)
- 5) For hearing of Main Case

17.10.2019

Muhammad Hasham Javed, Petitioner in person

1. Granted.
2. Deferred for the time being.
3. Exemption granted but subject to all just exceptions.
- 4&5. Notice to the respondents as well as to the learned Advocate General Sindh and learned Prosecutor General Sindh for **25.11.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P.No.D-6559 of 2019

Date Order with Signature(s) of Judge(s)

Fresh case

- 1) For order on Misc. No.29106/2019(Urgent/app)
- 2) For order on office objection No.18 & 26
- 3) For order on Misc. No.29107/2019(Ex./App)
- 4) For hearing of Main Case

17.10.2019

Mr. Sardar Sheraz Anjum, Advocate for Petitioner

1. Granted.
2. Deferred for the time being.
3. Exemption granted but subject to all just exceptions.
4. Notice to the respondents as well as to the learned Prosecutor General Sindh for **20.11.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P.No.D-6583 of 2019

Date Order with Signature(s) of Judge(s)

Fresh case

- 1) For order on Misc. No.29196/2019(Urgent/app)
- 2) For order on office objection No.26
- 3) For order on Misc. No.29197/2019(Ex./App)
- 4) For hearing of Main Case

17.10.2019

Ms. Mehar-un-Nisa, Advocate along with petitioners

1. Granted.
2. Deferred for the time being.
3. Exemption granted but subject to all just exceptions.
4. It is *inter alia* contended that Petitioner No.1 namely Mst. Sana has contracted marriage with Petitioner No.2 Faiz Hassan out of her own free will and choice but against the wishes of her relatives, therefore, her father has lodged an FIR No.94/2019, U/s 365-B, 34 PPC, registered at Police Station Air Port Karachi against her husband and his relatives on false allegation that she has been abducted by them, which is not correct.

Issue notice to the respondents as well as learned A.G. Sindh and P.G. Sindh so also I.O. the aforesaid FIR for **25.11.2019**. I.O. is directed not to effect arrest in the subject FIR till next date but continue investigation in this matter.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P.No.D-6587 of 2019

Date	Order with Signature(s) of Judge(s)
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Fresh case

- 1) For order on Misc. No.29224/2019(Urgent/app)
- 2) For order on office objection No.18
- 3) For order on Misc. No.29225/2019(Ex./App)
- 4) For order on Misc. No.29226/2019(Stay/App)
- 5) For hearing of Main Case

17.10.2019

Mr. Shahid Akhtar Awan Advocate for Petitioner

1. Granted.
2. Deferred for the time being.
3. Exemption granted but subject to all just exceptions.

4&5. Subject to maintainability of this petition, let preliminary notice be issued to the respondents as well as to the learned Additional Attorney General for **27.11.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P.No.D-6594 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Fresh case

- 1) For order on Misc. No.29243/2019(Urgent/app)
- 2) For order on office objection No.9, 12, 26 & 27
- 3) For order on Misc. No.29244/2019(Ex./App)
- 4) For hearing of Main Case

17.10.2019

Mr. Raja Aftab Ahmed Khan, Advocate for Petitioner

1. Granted.
2. Deferred for the time being.
3. Exemption granted but subject to all just exceptions.
4. Notice to the complainant, who is advocate by profession is present in Court and waives notice of this petition and claims copy thereof, which learned Counsel for the petitioner undertakes to supply him during court hours. Let notice be issued to the remaining respondents for **26.11.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P.No.D-6594 of 2019

Date Order with Signature(s) of Judge(s)

Fresh case

- 1) For order on Misc. No.29243/2019(Urgent/app)
- 2) For order on office objection No.9, 12, 26 & 27
- 3) For order on Misc. No.29244/2019(Ex./App)
- 4) For hearing of Main Case

17.10.2019

Mr. Yousuf Burior, Advocate along with petitioner

1. Granted.
2. Deferred for the time being.
3. Exemption granted but subject to all just exceptions.
4. It is *inter alia* contended that Petitioner namely Mst. Sabra has contracted marriage with Nadeem Sethar out of her own free will and choice but against the wishes of her relatives, therefore, her father has lodged an FIR No.22/2018, U/s 365-B, PPC, registered at Police Station Naon Dero, District Larkana against her husband and his relatives on false allegation that petitioner has been abducted by them, which is not correct.

Issue notice to the respondents as well as learned A.G. Sindh and P.G. Sindh so also I.O. the aforesaid FIR for **16.08.2018**. I.O. is directed not to effect arrest in the subject FIR till next date and shall appear before this court on next date along with relevant material.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-6609 of 2019

Date _____ Order with Signature(s) of Judge(s) _____

Fresh case

- 34. For orders on M.A. No.29330/2019(U/A)
- 35. For orders on office objection No.26
- 36. For orders on M.A. No. 29331/2019(Ex. A)
- 37. For orders on M.A. No.29332/2019(Stay/A)
- 38. For hearing of Main Case

17.10.2018

Syed Mureed Ali Shah, Petitioner in person

1. Granted.
2. Deferred for the time being.
3. Exemption granted but subject to all just exceptions.

4&5. Notice to the respondents as well as to the learned Prosecutor General Sindh for **04.11.2019**.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Criminal Appeal No. **641** of 2019

 Date Order with Signature(s) of Judge(s)

Fresh case

- 39. For orders on M.A. No.10292/2019(U/A)
- 40. For orders on M.A. No.10293/2019(Ex. A)
- 41. For hearing of Main Case
- 42. For orders on M.A. No.10294/2019(U/s 426 Cr. P.C.)

16.10.2018

Mr. Amrat, Advocate for Appellant

1. Granted.
- 2 . Exemption granted but subject to all just exceptions.

3&4. This is a statutory appeal filed by the appellant against the conviction and sentence to the appellant vide judgment dated 12.09.2019, passed by the learned 1st Additional Sessions Judge (Model Criminal Trial Court), Karachi (South), in FIR No.120/2019, U/s 6/9(c) CNC Act, 1997, registered at Police Station Gizri, Karachi in the terms as stated below:-

“Consequent upon the discussion held and findings given in Point NO.01 and 02, I have come to the conclusion that the prosecution has successfully proved the charge against the accused beyond any reasonable doubt, therefore, accused Raj Kumar son of Baharo Mal, produced in custody, is hereby convicted under section 265-H(2), Cr. P.C. for committing an offence punishable under section 9(c) read with section 6 of the Control Narcotics Substances Act, 1997. Since the weight of the recovered Chars is exceeding to 2 kilogram, therefore, as per policy prescribed in the case of Ghulam Murtaza & another Versus The State, reported as PLD 2009 Lahore 362, accused Raj Kumar son of Bahro Mal is sentenced to suffer RI for 05 five (five) years and 06(six) months and he is also directed to pay fine of Rs.25,000/- and in default thereof, he would further suffer SI for 05 (five) months and 15 (fifteen) days more. Benefit of section 382-B, Cr. P.C. is also extended to the accused.”

Appeal is admitted for regular hearing. Office is directed to call Record and Proceeding from the trial court and prepare the paper book. In the meanwhile, notice be issued to the learned P.G. Sindh a date to be fixed by the office.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.1335 of 2019

Date	Order .with signature of Judge
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For hearing of Bail Application

16.10.2019

Mr. Khursheed Ahmed, Advocate for Applicant

Mr. Abrar Ali Khichi, Additional P.G. Sindh

Statutory

Learned Additional Prosecutor General Sindh requests for time to call police papers as well as CRO of the applicant. At his request, adjourned to

30.10.2019.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.1357 of 2019

Date	Order .with signature of Judge
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For hearing of Bail Application

16.10.2019

Mr. Anwar Ali Shaikh, Advocate for Applicant

Mr. Abrar Ali Khichi, Additional P.G. Sindh

Learned Additional Prosecutor General Sindh requests for time to call police papers and CRO of the applicant. At his request, adjourned to

31.10.2019.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.1358 of 2019

Date	Order .with signature of Judge
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For hearing of Bail Application

16.10.2019

Mr. Anwar Ali Shaikh, Advocate for Applicant

Mr. Abrar Ali Khichi, Additional P.G. Sindh a/w ASI Saleem Akhtar ,
CRO Branch

Learned Additional Prosecutor General Sindh has filed CRO of the applicant and requested for time to call police papers. At his request, adjourned to **31.10.2019**.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-2571 of 2019

Date	Order .with signature of Judge
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1. For orders on office objection
2. For orders on CMA No.11439/2019
3. For orders on CMA No.11440/2019
4. For hearing of main case

16.10.2019

None present for the petitioner

No one is in attendance on behalf of the petitioner and no intimation is received. Record reflects that on the last two consecutive dates of hearing, the petitioner, who has filed this petition for quashment of FIR bearing Crime No.80/2017, was absent, which shows that he has lost interest to pursue this petition, which is accordingly dismissed on account of non-prosecution along with pending application(s).

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-1954of 2017

Date	Order .with signature of Judge
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For order as to maintainability of petition

16.10.2019

None present for the petitioner

Mr. Hakim Ali Sheikh, Addl: Advocate General Sindh

Mr. Abrar Ali Khichi, Addl: Prosecutor General Sindh

This petition for quashment of FIR bearing No.274/2015, U/s 489-F, 420 PPC, registered at Police Station Tepo Sultan Karachi, was filed on 22.03.2017 and when on the first date of hearing viz. 13.04.2017, it was taken up of hearing, Counsel for the petitioner was put on notice to satisfy the Court about maintainability of this petition, thereafter, he has never appeared and not taking any interest to get the matter posted in the Court for further proceedings, which suggests that the petitioner and his counsel have no interest to proceed with this matter, which is further reflected from today that no one is in attendance on behalf of the petitioner and no intimation is received. Accordingly, this petition is dismissed on account of non-prosecution along with pending application(s).

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-1068 of 2019

Date _____ Order .with signature of Judge _____

For direction

For orders on MIT-II Report dated 03.04.2019, 06.05.2019

16.10.2019

Mr. Amir Ali Solangi, Advocate for Petitioner

MIT-II Reports perused and taken on record. The matter has already been disposed of.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-3936 of 2016

Date _____ Order .with signature of Judge _____

Priority

1. For hearing of Misc. No.19432/2016
2. For hearing of Main Case

16.10.2019

Mr. Hakim Ali Sheikh, Addl: AG Sindh
Mr. Muhammad Irfan, Assistant Attorney General

Mr. Hassan Abid, Advocate holds brief for Mr. Muhammad Umer Lakhani, Advocate for petitioner and requests for adjournment as he is busy before another bench of this Court. Adjourned.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-3924 of 2019

Date _____ Order .with signature of Judge _____

Priority

3. For hearing of Misc. No.17409/2019
4. For hearing of Main Case

16.10.2019

Mr. Zamir Ghumro, Advocate for Petitioner

Mr. Muhammad Irfan Memon, AAG

Learned Assistant Attorney General is required to submit a reply to this petition on or before the next date of hearing.

Adjourned to **06.11.2019**. Ad-interim order passed earlier to continue till the next date of hearing

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-5742 of 2019

Date Order .with signature of Judge

Priority

1. For hearing of Misc. No.25378/2019
2. For hearing of Main Case

16.10.2019

Mr. Zeeshan Ahmed, Advocate for Petitioner

Mr. Naresh Kumar, Advocate for Respondent No.2

Mr. Hakim Ali Shaikh, Additional Advocate General Sindh

Mr. Abrar Ali Khichi, Addl: P.G. along with DSP Khalid Javed on behalf of SSP Korangi

Petitioner alleges that he was taken by respondent No.1 & 2 at the behest of Respondent No.3 at Police Station Korangi, Karachi, where, he was compelled to sign four (04) cheques in favour of respondent No.3 on account of some business transactions. By means of this petition, the petitioner is essentially asking for an inquiry into above aspect of the controversy, with further directions to the respondent No.3 not to register any FIR against him on account of such cheques and he shall not encash the cheques.

We have heard learned Counsel for the parties. In our view dispute is between two private persons i.e. petitioner and respondent No.3 over some business transaction. So far no FIR on the basis of alleged cheques has been lodged by respondent No.3, and further his counsel has even denied to have received any such cheques from the petitioner. Contention of the petitioner that he was made to sign cheques under coercion and compulsion is not born out any material and in fact it is a factual controversy, which cannot be resolved in the constitution petition as it requires recording of the evidence. During the course of arguments, learned counsel for the petitioner has informed that petitioner has filed a Civil Suit for cancellation of subject cheques. Where the petitioner has already availed of a remedy by filing a Civil Suit in respect of alleged cheques, he cannot maintain the petition on the same cause of action before this Court. Accordingly, this petition being meritless is dismissed along with pending application(s). However, the parties would still be at liberty to avail of a remedy, if any, in accordance with law.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-5877 of 2019

Date _____ Order .with signature of Judge _____

Priority

3. For orders on office objection No.18
4. For hearing of Misc. No.25985/2019
5. For hearing of Main Case

16.10.2019

Mr. Sameer Ghazanfar Advocate for Petitioner
Mr. Hakim Ali Shaikh, Additional Advocate General Sindh
Mr. Muhammad Irfan Memon, Assistant Attorney General
Respondent No.2 and 3 are present in person

Respondent No.2 and 3 have filed comments, taken on record.

Partly heard. For further arguments, adjourned to **28.10.2019 at 11:00**

a.m.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.1109 of 2019
Cr. B.A. No.1110 of 2019

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

15.10.2019

Mr. Nehal Khan Lashari, Advocate for applicant/accused

Syed Meer Ali Shah, Additional Prosecutor General Sindh

Counsel for the applicant submits that for the time being, he does not press these bail applications and would move a fresh bail applications before the trial Court on behalf of the applicant on medical ground. In view of above, these bail applications are dismissed as not pressed.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
 IN THE HIGH COURT OF SINDH, KARACHI
 Cr. B.A. No.569 of 2019

Date Order .with signature of Judge

For hg. of bail application

15.10.2019

Mr. Aamir Mansoob Qureshi Advocate for applicant/accused

Syed Meer Ali Shah, Addl: Prosecutor General Sindh

Through this bail application, applicant Muhammad Asif, is seeking post-arrest bail in case crime No.18/2013, U/s 302, 34, registered at Police Station Ibrahim Hyderi, Bin Qasim Division, Karachi in which murder of deceased namely Muhammad Talah has been reported by complainant namely Anwer Shah against some unknown persons with the assertion that he could identify them, if seen again.

The applicant was arrested on 02.08.2018 in some other case and identified by the complainant in the lockup to be culprit of this case. We have noticed with surprise that although 01 year since his arrest has lapsed, yet the charge has not been framed against the applicant. In the circumstances, we dispose of this bail application as not pressed as Mr. Aamir Mansoob Qurshi, who is acting on behalf of the applicant has consented to examine at least the complainant before moving a fresh application for bail and direct the trial Court to frame the charge and record evidence of the complainant at least within 45 days. Thereafter, the applicant would be at liberty to move a fresh bail application before the trial Court, which if filed, shall however be decided on its own merits. The trial Court shall submit the compliance report through MIT-II of this Court hereof.

Bail Application stands disposed of in the above terms.

JUDGE

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.988 of 2019

Date	Order .with signature of Judge
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- 1) For orders on office objection at A
- 2) For hg. of bail application

15.10.2019

Mr. Munir Ahmed, Advocate for applicant/accused

Syed Meer Ali Shah, Additional Prosecutor General Sindh

Mr. Muhammad Iqbal Ahmed, Spl. Prosecutor Pakistan Rangers

Counsel for the applicant seeks time to go through the fresh medical report dated 12.10.2019 of Medical Superintendent of Service Hospital & Civil Surgeon, Karachi in compliance of order dated 27.09.2019. Adjourned to **29.10.2019**.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-997 of 2019

Date	Order .with signature of Judge
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- 1) For orders on CMA No.20407/2019(U/A)
- 2) For orders as to maintainability of petition

19.07.2019

Petitioner Mst. Rehana is present

- 1) Urgent application is allowed.
- 2) Petitioner is present in person seeks time on the ground that her counsel is not available today. At her request, adjourned to **21.08.2019**.

Judge
Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-2433 of 2019

Date	Order .with signature of Judge
3)	For orders on M.A. No.6630/2019(U/A)
4)	For orders on M.A. No.6574/2019

19.07.2019

Mr. Nabeel Kolachi, advocate for the petitioner

Mr. Khalid Mehmood Awan, Special Prosecutor, NAB

- 1) Urgent application is allowed.

- 2) These connected matters have been taken up on urgent application moved by the learned counsel for the petitioner and are otherwise fixed on **17.09.2019** pleading that the petitioner is suffering from heart attack but he is not provided medical treatment by the jail authorities.

Learned Special Prosecutor, NAB waives notice of this application (CMA No.6574/2019), and has recorded no objection if the petitioner is provided medical treatment according to his ailment.

Accordingly, this application is disposed of in the terms that if the petitioner is suffering from any ailment or is suffering from heart attack as stated, he shall be provided medical treatment in accordance with law.

Judge
Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 C.P.No.D-3041 of 2019

Date _____ Order .with signature of Judge _____

For hearing of main case

18.07.2019

Mr. Abdul Hafiz Sandhu, advocate for the petitioner

Mr. Riaz Alam Khan, Special Prosecutor, NAB along with I.O. Umari Qureshi

Mr. Irfan Memon, DAG

Petitioner is present on ad-interim pre-arrest bail along with his counsel. Learned defence counsel submits that still the comments by the NAB have not been filed. However, learned Special Prosecutor NAB submits that since the Reference has been filed in the trial Court, there is no need to file comments. Upon which learned defence counsel seeks time for preparation of his case. At his request, adjourned to **21.08.2019**.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-3739 of 2019

Date Order .with signature of Judge

Priority

1. For hg. of CMA No.16780/2019
2. For hg. of CMA No.16781/2019
3. For hearing of main case

18.07.2019

Mr. Muhammad Shahzad, advocate for the petitioner

Mr. Riaz Alam Khan, Special Prosecutor, NAB

Mr. Irfan Memon, DAG

Petitioner is present on ad-interim pre-arrest bail along with his counsel. Learned Special Prosecutor, NAB has filed comments. A copy whereof has been supplied to the learned defence counsel, who seeks time to go through the same and prepare his case accordingly.

Adjourned to **27.08.2019**.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4527 of 2019

Date Order .with signature of Judge

Priority

1. For hg. of CMA No.19489/2019
2. For hearing of main case

18.07.2019

Petitioner is present in person

Mr. Riaz Alam Khan, Special Prosecutor, NAB

Mr. Irfan Memon, DAG

Petitioner is present on ad-interim pre-arrest bail, however, his counsel is called absent without any intimation. Learned Special Prosecutor, NAB claims copy of petition, which the petitioner undertakes to supply him during court hours.

Adjourned to **25.07.2019**, when the petitioner shall ensure presence of his counsel and show receipt of supplying the copy of the petition to learned Special Prosecutor, NAB.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4527 of 2019

Date Order .with signature of Judge

Priority

3. For hg. of CMA No.19767/2019
4. For hearing of main case

18.07.2019

Mr. Munir Ahmed Malik, advocate for the petitioner

Mr. Riaz Alam Khan, Special Prosecutor, NAB I.O. Jawad Hussain,

Mr. Irfan Memon, DAG

Petitioner is present on ad-interim pre-arrest bail along with his counsel. Learned Special Prosecutor, NAB and I.O. seek time to complete the inquiry. At their request, adjourned to **02.09.2019**.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 C.P.No.D-4529 of 2019
 C.P.No.D-4580 of 2019

Date Order .with signature of Judge

Priority

For hg. of CMA No.197773/2019

18.07.2019

M/s. Inayat Ali Mirza and Zafar Ali Talpur, advocate for the petitioners
 Mr. Riaz Alam Khan, Special Prosecutor, NAB I.O. Parkash, NAB
 Mr. Irfan Memon, DAG

Petitioners are present on ad-interim pre-arrest bail along with their counsel. Learned Special Prosecutor, NAB and I.O. of the case request for time on the ground that the investigation against the petitioners have not been completed yet. Learned Special Prosecutor, NAB submits that connected C.P.No.D-7761/2019 is fixed on 22.08.2019 and requests that these petitions may be fixed on the same date. Order accordingly.

To come up on **22.08.2019**. Interim order passed in C.P.No.D-4529/2019 earlier to continue till the next date of hearing

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 C.P.No.D-1431 of 2018

Date Order .with signature of Judge

For hearing of main case

18.07.2019

Mr. Shoaib Ali Khatian, advocate for the petitioner

Mr. Riaz Alam Khan, Special Prosecutor, NAB I.O. Jawad Hussain

Petitioner is present on ad-interim pre-arrest bail along with his counsel. While referring to the previous order, learned Special Prosecutor, NAB and I.O. of the case submit that for the first time the petitioner has submitted his defence on 11.07.2019, and therefore he needs some time to evaluate the same. In view of above, adjourned to **20.08.2019**.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-1373 of 2019

Date _____ Order .with signature of Judge _____

Hq. of case

1. For order on CMA NO.6249/2019
2. For hearing of main case

17.07.2019

Mr. Ghulam Akbar Panhyar, advocate for the petitioner

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB a/w I.O. Jawad Hussain

Petitioner, who is on ad-interim pre-arrest bail is absent but his presence has been dispensed with vide order dated 03.04.2019, however, his counsel is present.

On the other hand, learned Special Prosecutor, NAB and I.O. of the case seek time to complete the inquiry. At their request, adjourned to **19.09.2019.**

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Acctt: Acquittal Appeal No.23 of 2019

Date _____ Order .with signature of Judge _____

For orders as to non-prosecution

17.07.2019

Mr. R.D. Kalhor, Special Prosecutor, NAB

Learned Special Prosecutor, NAB submits that this appeal has been filed for enhancement of sentence awarded to the respondents by the learned Accountability Court No.I, Karachi, vide Judgment dated 28.02.2019 and against such conviction and sentences, the respondents have filed Cr. Acctt: Appeal Nos.10, 13, 14 and 15 of 2019, which are fixed on 29th of this month. He further submits that this appeal may be tagged with the aforesaid appeals in which paper books have already been prepared. Order accordingly. However, the remaining office objections shall be complied with within a week.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Acctt: Acquittal Appeal No.01 of 2013

Date	Order .with signature of Judge
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For hearing of main case

17.07.2019

Mr. Khalid Mehmood Awan, Special Prosecutor, NAB

Mr. Shoukat Hayat, advocate for respondent a/w Abdul Majeed Khatri,
respondent

Learned Special Prosecutor, NAB has supplied copies of depositions to the learned counsel for the respondent; however, the same are without annexures as such he seeks time to obtain copies thereof and supplying them to learned defence counsel. For this purpose, adjourned to **22.08.2019**.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-8008 of 2018
C.P.No.D-6289 of 2018

Date	Order .with signature of Judge
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For hearing of main case

16.07.2019

Mr. Saifullah Abbasi, advocate for the petitioner Mr. Zahid Hussain Baladi,
Special Prosecutor, NAB a/w I.O. M. Adeel Khan

Petitioner Sikandar Abdul Karim in C.P.No.D-6289 of 2018 is present on ad-interim pre-arrest bail along with his counsel. Learned defence counsel informs that this petition (C.P.No.D-8008/2018) is connected with C.P.No.D-6289/2018, which is fixed on 26.07.2019 but in the order dated 14.06.2019, it is wrongly mentioned to be fixed today. He requests that in view of above, this petition be fixed on 26.07.2019. Order accordingly.

Interim order passed earlier to continue till the next date of hearing. .

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-1252 of 2019

Date	Order .with signature of Judge
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1. For order on CMA NO.5731/2019
2. For hearing of main case

16.07.2019

Mr. Ghulam M. Dars, advocate

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB a/w I.O. Waqar Anwar

Mr. Muhammad Ahmed, DAG

Petitioner is present on ad-interim pre-arrest bail along with his counsel. Learned Special Prosecutor, NAB and I.O of the case seek time on the ground that still the investigation against the petitioner has not been completed. In view of above, adjourned to 17.09.2019.

Judge
Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-2037 of 2019
C.P.No.D-2038 of 2019

Date	Order .with signature of Judge
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For hearing of main case

16.07.2019

Mr. Abid Ali Qureshi, advocate for the petitioners

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB a/w I.O. Muhammad Omair

Mr. Irfan Memon, DAG

Petitioners are present on ad-interim pre-arrest bail but their counsel is reportedly on general adjournment. On the other hand, learned Special Prosecutor, NAB claims copy of this petition, which Mr. Abid Ali Qureshi, advocate holding brief undertakes to supply him during course of the day. Adjourned to 17.09.2019.

Judge
Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.Nos.D-4443 of 2019

Date	Order .with signature of Judge
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16.07.2019

M/s. Akhtar Rehana and Zakir Laghari, advocate for the petitioner

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB a/w I.O. Faiz Ahmed and Syed Hussain Bilal

Petitioner is present on ad-interim pre-arrest bail along with his counsel. Learned defence counsel has submitted a certified true copy of plea-bargain application of the petitioner submitted by him before the trial Court. However, learned Special Prosecutor, NAB and I.O. of the case submit that this application is not on proper proforma. Be that as it may, NAB authorities shall decide said application expeditiously preferably within a period of one month in accordance with law, and in view of this fact adjourned to **19.08.2019**.

Judge
Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-474 of 2019

Date	Order .with signature of Judge
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For hg. of main case

16.07.2019

Mr. Munawar Ali Memon, advocate for the petitioner

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB a/w I.O. Umair Qureshi

Learned Special Prosecutor, NAB and I.O. of the case seek time on the ground that they need to file supplementary challan in this matter. At their request, adjourned to **19.08.2019**.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-3773 of 2019

Date Order .with signature of Judge

For order as to non-prosecution

16.07.2019

MR. Saifullah Luhur, advocate a/w petitioner

Three days' time is granted for compliance and the case is adjourned
to **01.08.2019**.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4252 of 2013

Date	Order .with signature of Judge
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For hearing of main case

16.07.2019

Ms. Saadia Khatoon, advocate for the petitioner

Mr. Raja Qasit Nawaz, advocate for SECP

Mr. Irfan Memon, DAG

Learned DAG seeks time to submit compliance of order dated 28.06.2019, whereby, Secretary, Ministry of Interior, Government of Pakistan was directed to inform as to whether the petitioner's name is required to remain on ECL on any other ground as SECP's counsel has made a statement that she is not required. At his request, adjourned to 01.08.2019.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Cr. Acctt. Appeal Nos.13, 14, 15, 16, and 17 of 2017

Date	Order .with signature of Judge
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1. For hearing of main case
2. For hearing of MA No.7855/2017

16.07.2019

Mr. Nisar Ahmed Tarar, advocate for appellant in Cr. Acctt. Appeal No.14/2017

Mr. Shoukat Hayat, advocate for appellant in Cr. Acctt. Appl. No.15/2017

Mr. Mehmood A. Qureshi, advocate

Mr. Zulfiqar Ali Langha, advocate for appellant in Cr. Acctt. Appeal No.16/2017

Syed Ahmed Raza Shah, advocate

Mr. R.D. Kalhor, Special Prosecutor, NAB.

Learned Special Prosecutor, NAB submits that these are five (05) connected appeals in the cases, which have been disposed of through separate judgments but he has paper book with him only in Cr. Acctt. Appeal No.13/2017, and seeks adjournment on this ground, which has been opposed by the learned defence counsel. Per them learned Special Prosecutor, NAB on this excuse has been seeking time for the last many dates of hearing. In view of above, as a last chance, adjourned to 19.08.2019 when learned Special Prosecutor, NAB shall come prepared and meanwhile shall collect the papers books in the connected appeals as those papers books are already available with defence counsel.

Office to place a copy of this order in connected appeals.

Judge

Judge

Rafiq/P.A.

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

C.P.Nos.D-3661, D3871, D-2969, D-3977, D-3043, D-3976, D-3811, D-4144,
D-3682, D-3681, D-3697, D-2972, D-2971, 2970 of 2019, and D-6656 of
2018

Date	Order .with signature of Judge
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For hearing of main case

12.07.2019

Mr. Mukesh Kumar G. Karara, advocate for the petitioners

Mr. Munir Ahmed Malak, advocate for the petitioners

Mr. Ubaidullah Abro, Special Prosecutor, NAB and Hassan Akbar, Addl:
P.G.

Mr. Irfan Memon, DAG

Petitioners are present on ad-interim pre-arrest bail along with their counsel. At the very outset, learned Special Prosecutor, NAB submits that all these petitions have been wrongly tagged as they pertain to different inquiries being conducted by different I.Os. He states that C.P.Nos.D-2969, D-2970, D-2971, D-2972, and D-3697 of 2019 concern the inquiry in respect of Food Department Khairpur Mirus, which has not yet been completed. He requests that these petitions may be de-tagged from rest of the petitions. Order accordingly. The aforesaid petitions are adjourned to **30.08.2019**.

He further submits that C.P.No.D-6656/2018 and C.P.No.D-3043/2019, in which the petitioners are present on ad-interim pre-arrest bail, pertain to Food Department, District Ghotki and are at investigation stage and it will take some time to complete the same and further these two (02) petitions may also be de-tagged. Order accordingly. Adjourned to **03.09.2019**.

He further submits that C.P.No.D-3811/2019, in which petitioner is present on ad-interim pre-arrest bail, pertains to Food Department Sukkur and is at inquiry stage, which will take some time to complete. He has requested that connected petitions in respect of same inquiry are fixed before this Court on 23.08.2019 and further that this petition may be de-tagged and fixed on the same date. Order accordingly. Adjourned to **23.08.2019**.

He finally submits that C.P.No.D-3871/2019, in which the petitioner is present on ad-interim pre-arrest bail pertains to inquiry in respect of Cooperative Housing Society, Sanghar and is separate from the bunch of remaining petitions and requests that this may be de-tagged. Order accordingly. Adjourned to **30.08.2019**.

He also claims copies of C.P.No.D-4144/2019 and C.P.No.D-3661/2019, which learned defence counsel undertake to supply him. Adjourned to **23.08.2019**.

Mr. Munir Ahmed Malak, advocate for the petitioners in C.P.No.D-3976, D-3680 and D-3681 of 2019, submits that the petitioners have entered into plea-bargain with NAB and such order has been passed by the learned Accountability, Sukkur. Therefore, petitioners are no more required by NAB and in view of this fact, he does not press aforesaid three (03) petitions, which are accordingly dismissed as not pressed in the light of above.

Interim order passed earlier to continue till the next date of hearing of hearing. Office to place a copy of this order in connected petitions.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4665 2019

Date	Order .with signature of Judge
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Fresh case

4. For order on Misc. NO.20386/2019(U/A)
5. For order on Misc. NO.20387/2019(Ex.App)
6. For hearing of main case

12.07.2019

Mr. Abdul Majeed Khoso, advocate

Not to be fixed this matter before a bench in which one of us (Shamsuddin Abbasi, J) is a member. Office to fix this matter as per Roster today.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-3661of 2018

Date	Order .with signature of Judge
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For orders on CMA No.20330/2019

12.07.2019

Mr. Faheem Ali Memon, advocate for *petitioner*

Mr. Ubaidullah Abro, Special Prosecutor, NAB

Mr. Irfan Memon, DAG

This matter has bee

taken up on urgent application otherwise is fixed on 08th August, 2019. Learned defence counsel submits that the NAB has submitted comments and has stated that no evidence has been found against the petitioner as such petitioner is satisfied and does not want to press this petition.

This fact has been confirmed by the learned Special Prosecutor, NAB insofar as no evidence has been found against the petitioner and within due time the investigation would be completed and has no objection.

Accordingly, this petition is dismissed as not pressed in the light of above.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-169 of 2018

Date	Order .with signature of Judge
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For orders on CMA No.20330/2019

12.07.2019

Mr. Faheem Ali Memon, advocate for petitioner

Mr. Ubaidullah Abro, Special Prosecutor, NAB

Mr. Irfan Memon, DAG

This matter has been taken up on urgent application and is otherwise fixed on 08th August, 2019. Learned defence counsel submits that the NAB has submitted comments and has stated that no evidence has been found against the petitioners and they are not required by the NAB as such petitioners are satisfied and do not want to press this petition.

This fact has been confirmed by the learned Special Prosecutor, NAB.

Accordingly, this petition is dismissed as not pressed in the light of above.

Judge

Judge

Rafiq/P.A.

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

C.P.No.D-3552 of 2019
C.P.No.D-1840 of 2019
C.P.No.D-6479 of 2018
C.P.No.D-1941 of 2019
C.P.No.D-2961 of 2019

Date	Order .with signature of Judge
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- 1) For order on CMA No.16021 of 2019
- 2) For hearing of main case

12.07.2019

Mr. Muhammad Ashraf Kazi, advocate for the petitioner in C.P.No.D-2961/2019 and D-1941 of 2019

Mr. Shahadat Awan, advocate for the petitioner in C.P.No.D-1840 of 2019

Mr. Kashif Hanif, advocate for the petitioner in C.P.No.D-3552 of 2019

Mr. Zakir Laghari, advocate for the petitioner in C.P.No.D-6479 of 2018

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB

Mr. Irfan Memon, DAG

Petitioners are present on ad-interim pre-arrest bail along with their counsel. It is informed that the investigation is still going on against the petitioners and requires some time to complete. In view of above, adjourned to **06.08.2019**.

Office to place a copy of this order in connected petitions.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-8226 of 2018

Date	Order .with signature of Judge
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For hearing of main case

12.07.2019

Syed Muhammad Waseem Shah, advocate for the petitioner

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB

Mr. Irfan Memon, DAG

Petitioner is present on ad-interim pre-arrest bail along with his counsel. Learned Special Prosecutor, NAB submits that he requires some time as the recommendation for closing the inquiry has been sent to the Head Office, NAB, Islamabad but the order whereupon is still awaited. In view of above, adjourned to **13.08.2019**

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-59 of 2019

Date	Order .with signature of Judge
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1. For hg. of CMA NO.282/2019
2. For hearing of main case

12.07.2019

Mr. Nasrullah Korai, advocate for the petitioner

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB along with I.O. Faiz Ahmed

Petitioner is present on ad-interim pre-arrest bail along with his counsel. Learned Special Prosecutor, NAB requests for time on the ground that investigation against the petitioner has not been completed yet. In view of above, adjourned to **30.08.2019**.

Judge
Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-1074 of 2019

Date	Order .with signature of Judge
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Priority

- | | |
|----|-------------------------------|
| 3. | For order on CMA NO.4934/2019 |
| 4. | For hearing of main case |

12.07.2019

Mr. Muhammad Salim Khashkheli, advocate for the petitioner

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB along with I.O. Ghulam Abbas

Petitioner is present on ad-interim pre-arrest bail along with his counsel. Learned Special Prosecutor, NAB requests for time on the ground that still inquiry against the petitioner has not been completed. In view of above, adjourned to **05.08.2019**.

Judge
Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-8519 of 2017

Date	Order .with signature of Judge
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1. For orders on office objection
2. For hg. of CMA No.35567/2017
3. For hg. of CMA No.30921/2018
4. For hearing of main case

11.07.2019

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB

Mr. Sarfaraz Ali Metlo, advocate has filed Vakalatnama on behalf of petitioner, who is present on ad-interim pre-arrest bail. Learned Special Prosecutor, NAB submits that after completion of investigation, a draft Reference has been sent to Head Office, NAB Islamabad for filing of Reference or otherwise and seeks time on this ground. In view of above, adjourned to 19.08.2019.

Judge
Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-5526 of 2018

Date	Order .with signature of Judge
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For hg. of main case

11.07.2019

Mr. Raj Ali Wahid, advocate for the petitioner

Mr. Ubedullah Abro, Special Prosecutor, NAB

Petitioner is present on ad-interim pre-arrest bail along with his counsel. Learned Special Prosecutor, NAB seeks time to complete the inquiry against the petitioner, which is still pending. In view of above, adjourned to **29.08.2019**.

Judge

Judge

Rafiq/P.A.

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

C.P.No.D-6121 of 2018

C.P.No.D-7747 of 2018

C.P.No.D-6122 of 2018

C.P.No.D-2361 of 2019

C.P.No.D-6129 of 2018

<u>Date</u>	<u>Order .with signature of Judge</u>
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- 1) For orders on office objection
- 2) For hg. of CMA No.26579/2018
- 3) For hg. of main case

11.07.2019

Mr. Sarfraz Ali Metlo, advocate for the petitioners

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB

Mr. Muhammad Ahmed, Assistant Attorney General

Petitioners are present on ad-interim pre-arrest bail along with their counsel. Learned Special Prosecutor, NAB has filed progress report and has submitted that the recommendation has been sent to the Head Office, NAB, Islamabad for closure of investigation against the petitioners, the decision whereupon is still awaited. In view of above, adjourned to **05.09.2019**.

Office to place a copy of this order in connected petitions.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-3291 of 2019

Date	Order .with signature of Judge
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For hearing of main case

11.07.2019

Mr. Muhammad Shahid, advocate for the petitioner

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB

Learned Special Prosecutor, NAB has submitted that the petitioner has filed an application to become approver, and decision upon which is still awaited and seeks time on this ground. In view of above, adjourned to 09.08.2019.

Judge

Judge

Rafiq/P.A.

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

C.P.No.D-7613 of 2018

C.P.No.D-7614 of 2018

C.P.No.D-8302 of 2018

C.P.No.D-7638 of 2018

C.P.No.D-8361 of 2018

Date	Order .with signature of Judge
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For hearing of main case

11.07.2019

Mr. M.A. Kazi, advocate for the petitioner in C.P.Nos.D-7613 and 7613 of 2018

Mr. Shoaib Khatian, advocate for the petitioner in C.P.No.7614 of 2018

Mr. Jamil Ahmed Virk, advocate for the petitioner in C.P.No.D-8361 of 2018

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB along with Abdul Fatha I.O. NAB

Petitioners are present on ad-interim pre-arrest bail along with their counsel. Learned Special Prosecutor, NAB and I.O. have submitted that investigation against the petitioners is at the verge of conclusion and within a short time it will be completed and have sought time on this ground. At their request, adjourned to **19.08.2019**.

Office to place a copy of this order in connected petitions.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4603 of 2019

Date _____ Order .with signature of Judge _____

FRESH CASE

1. For orders on Misc. No.20093/2019(U/A)
2. For order on Misc. No.20094/2019(Exp/App)
3. For hearing of main case

11.07.2019

M/s. Noor Muhammad Dayo and Asif Ali Jokhio, advocate for the petitioner

1. Granted.
2. Exemption granted but subject to all just exceptions.
3. Notice to the respondents as well as to the learned Special Prosecutor, NAB and learned Additional Attorney General for **07.08.2019**.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 C.P.Nos.D-7750/2015, D-4354/2019, D-4288/, D-4284/2019, D-62/2016, D-60/2016, D-61/2016

Date	Order .with signature of Judge
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1. For orders as to non-prosecution in CMA No.26459/2016
2. For hearing of CMA No.17803/2016
3. For hg. of main case

10.07.2019

Mr. Shahzeb Akhtar Khan, advocate for the petitioner in C.P.No.D-750/2015, D-4284/2019

Ms. Ismat Mehdi, advocate for the petitioner in C.P.No.D-4354/2019

Mr. Haib Ahmed, advocate for the petitioner in C.P.No.D-4288/2019

Malik Naeem Iqbal, advocate for the petitioners

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB along with I.O. A. Fatah, NAB

Mr. Irfan Memon, DAG

Petitioners are present on ad-interim pre-arrest bail along with their counsel. Learned Special Prosecutor, NAB and I.O. have filed a photocopy of Reference No.12/2019, which is taken on record. Learned defence counsel submit that they have not received yet copy of the Reference as case is fixed tomorrow i.e. 11.07.2019 before the trial Court for this purpose and seek time for preparation. In view of above, adjourned to **05.08.2019**.

Office to place a copy of this order in connected petitions.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 C.P.Nos.D-3167, D-3647, D-3231, D-3624, D-3229, D-3230, D-3228, D-3227, D-3224, D-3223, D-3170, D-3169, D-3625, D-3168, and D-3648 of 2017 of 2017

Date	Order .with signature of Judge
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1. For orders on office objection
2. For hg. of main case

10.07.2019

Mr. Malik Naeem Iqbal, advocate for the petitioners

Mr. Muhammad Farooq, advocate for the petitioners

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB along with I.O. Irfan Ali Sheikh

Mr. Irfan Memon, DAG

Petitioners are present on ad-interim pre-arrest bail along with their counsel except petitioner Qazi Khair Muhammad in C.P.No.D-3170/2017. Mr. Malik Naeem Iqbal, advocate submits that as per his information he is confined to bed because he is suffering from multiple diseases but he is not in contact with him or his family nor has received any instructions in compliance of last order dated 21.05.2019, whereby he was directed to submit a proper application along with medical history of the petitioner for condonation of his absence. Therefore, he does not press this petition (C.P.No.D-3170/2017) for want of instructions, which is accordingly dismissed as not pressed.

Learned Special Prosecutor, NAB submits that in these matters the investigation has been transferred under the orders of Chairman, NAB to Rawalpindi, NAB from NAB Karachi, which the petitioners have challenged in C.P.No.D-2731/2019, which is also fixed today. He further submits that in order to resolve this issue i.e. whether the pending investigation under the orders of the Chairman, NAB can be transferred from one bureau to another bureau, the Prosecutor General, NAB was called for assistance by the previous bench but today he is not present. He next submits that this case was fixed last on 28.05.2019 when the Prosecutor General, NAB was present but due to paucity of time the case could not be taken up. However, per him, if a fixed date is given, the Prosecutor General, NAB would appear and assist this Court on the issue raised by the defence counsel in regard to transfer of the investigation. In view of above, adjourned to **06.08.2019**.

Office to place a copy of this order in connected petitions.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4859 of 2017

Date	Order .with signature of Judge
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10.07.2019

Mr. Shahnawaz M. Sehito, advocate for the petitioner

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB Rahol Rai

Mr. Irfan Memon, DAG

Petitioner is present on ad-interim pre-arrest bail along with her counsel. Learned Special Prosecutor, NAB as well as I.O. submit that still investigation against the petitioner is going on and it will take some to complete. In view of above, adjourned to **29.08.2019**.

Judge
Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-8446 of 2017
C.P.No.D-8447 of 2017

Date	Order .with signature of Judge
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1. For hearing of CMA No.35414/2017
2. For hearing of main case

10.07.2019

Mr. Noor Ahmed Memon, advocate for the petitioner

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB along with I.O. Mirza Saqib Baig

Mr. Irfan Memon, DAG

Petitioners are present on ad-interim pre-arrest bail along with their counsel. Learned Special Prosecutor, NAB as well as I.O. have informed that investigation against the petitioners are going on and it will take still two (02) months' time to complete the same. In view of above, adjourned to

04.09.2019.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 C.P.No.D-5326/2018, D-256/2019, D-1260/2019, D-694/2019, D-8736/2018,
 D-8730/2018, D-8705/2018 and D-8694/2018

Date	Order .with signature of Judge
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1. For hearing of Misc. No.23191/2018
2. For hearing of Misc. No.23192/2018
3. For hearing of main case

10.07.2019

Mr. Amer Raza Naqvi, advocate for the petitioner in C.P.No.D-256/2019

Mr. Barkat Ali Metlo, advocate for the petitioner in C.P.No.D-5326/2019

Mr. Muhammad Waseem Samo, advocate for the petitioner in C.P.No.D-8694/2018

M/s. Muhammad Naveed Ahmed Khan and Zulfiqar Haider, advocate for the petitioner in C.P.No.D-694/2019

Mr. Shafi Rajput, advocate for the petitioner in C.P.No.D-1260/2019

Mr. Riaz Alam Khan, Special Prosecutor, NAB

Petitioners are present on present on ad-interim pre-arrest bail along with their counsel except petitioner Suleman Ismail Mayet in C.P.No.D-1260/2019 and petitioner Syed Nasir Abbas in C.P.No.D-256/2019, who is in jail. Learned counsel for the petitioner in C.P.No.D-1260/2019 submits that petitioner namely Suleman Ismail Mayet has not come today on account of his illness and seeks condonation of his absence. He is directed to file medical record of the petitioner on the next date of hearing for considering his request.

Mr. Barkat Ali Metlo, advocate for the petitioner in C.P.No.D-5326/2018 submits that this petition has been wrongly fixed with the present bunch of the petitions as it does not pertain to investigation or Reference filed against the petitioners in the remaining petitions as such the same may be de-tagged. Order accordingly. Let this petition be fixed on **08.08.2019**.

Learned Special Prosecutor, NAB submits in remaining petitions that although Reference has been filed but he needs some time for preparation. At his request, adjourned to **25.07.2019**. Office to place a copy of this order in connected petitions.

Judge
Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-745 of 2019

Date	Order .with signature of Judge
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For hearing of main case

10.07.2019

Mr. Khadim Hussain Soomro, advocate for the petitioner

Mr. Ubedullah Abro, Special Prosecutor, NAB

Petitioner is present on ad-interim pre-arrest bail along with his counsel. Learned Special Prosecutor, NAB submits that investigation has not been completed yet and seeks some time. At his request, adjourned to

29.08.2019.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-2596 of 2019

Date	Order .with signature of Judge
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1. For hg. of CMA No.11569/2019
2. For hearing of main case

10.07.2019

Mr. Mumer Memon, advocate for the petitioner

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB

Petitioner is present on ad-interim pre-arrest bail along with his counsel. Learned counsel for the petitioner submits that before the trial Court petitioner has filed an application U/s 265-K Cr. P.C., which has been heard and reserved for orders to be announced on 16th July, 2019, and seeks time on this ground. In view of above, adjourned to **16.08.2019**.

Judge

Judge

Rafiq/P.A.

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

C.P.No.D-792, D-1519, D-3530, D-1485, D-1486 of 2019, D-8454/2018, D-8284/2018, D-2314/2017, D-7746/2017, D-8002/2017, D-7747/2017 and D-5252/2018

Date	Order .with signature of Judge
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Priority

3. For orders on CMA No.3413/2019
4. For hearing of main case

09.07.2019

Mr. Moulvi Iqbal Haider, advocate for petitioner in C.P.No.D-792/2019, D-1519/2019

Mr. Munsif Jan, advocate for petitioner in C.P.No.D-2314/2017, D-1486/2019, D-1485/2019, D-7746/2017

Syed Mehmood Alam Rizvi, advocate for the petitioner in C.P.No.D-8284/2018

Ms. Ayesha Fatima, advocate holding brief for Mr. Samsam Ali Khan, advocate for the petitioner in C.P.No.D-8002/2017

Mr. Mohammad Safeer, advocate holding brief for petitioner in C.P.No.D-8454/2018

Mr. Agha Abdul Rahim, advocate holding brief for Mr. Riaz Ahmed Phulphoto, advocate for the petitioner in C.P.No.D-3530/2019

Mr. Abdul Karim Khan, advocate holding brief for Mr. Raja Basatani, advocate for the petitioner in C.P.No.D-5252/2018

Mr. Riaz Alam Khan, Special Prosecutor, NAB a/w I.O. Sarwar Ahmed Khan

Arguments heard. Reserved for order.

Office to place a copy of this order in connected petitions.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 C.P.Nos.D-516, D-686, D-1160, D-1512,
 D-1581, D-1888 of 2017 and D-2311/2019

Date	Order .with signature of Judge
5.	For hearing of CMA No.2489/2017
6.	For hearing of CMA No.3789/2017
7.	For hearing of CMA No.3800/2017
8.	For hearing of main case

09.07.2019

Mr. Malik Altaf Javed, advocate for the petitioner in C.P.No.D-516/2017, D-1512/2017, D-1160/2017, D-686/2017

Mr. Sarfraz Ali Metlo, advocate for the petitioner in C.P.No.D-1888/2017

Mr. Khawaja Naveed Ahmed, advocate for the petitioner in C.P.No.D-2311/2019

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB, I.O. Sarfraz Ahmed, I.O. NAB

Mr. Irfan Memon, DAG

This is a bunch of seven (07) petitions in which petitioners are present on ad-interim pre-arrest bail along with their counsel. Learned Special Prosecutor, NAB and I.O. submit that still two (02) months' time is required to complete the investigation against the petitioners. In view of above, adjourned to **28.08.2019**.

Office to place a copy of this order in connected petitions.

Judge
 Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-1656/2017, D-1735/2017, C.P.Nos.D-843, D-1686, D-1687 and D-
202 of 2019

Date _____ Order .with signature of Judge _____

For hearing of main case

09.07.2019

Syed Mureed Ali Shah, advocate for the petitioner in C.P.No.D-1656/2017

Mr. Malik Altaf Javed, advocate for the petitioner in C.P.No.D-202/2019

Mr. Asif Ali Jokhio, advocate for the petitioner in C.P.No.D-843/2019

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB, I.O. Umair Qureshi

Petitioners are present on ad-interim pre-arrest bail along with their counsel except petitioner Abdul Hafeez Rahjuja in C.P.No.D-202/2019, who is behind the bars. By consent, adjourned to **05.08.2019**.

Office to place a copy of this order in connected petitions.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-2945 of 2017

Date	Order .with signature of Judge
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For hearing of main case

09.07.2019

Mr. Ali Asghar, advocate for the petitioner

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB, I.O. Aleem Baig

Petitioner is present on ad-interim pre-arrest bail along with his counsel. Learned Special Prosecutor, NAB as well as I.O. submit that still investigation against the petitioner is going on and it will take some time to complete. In view of above, adjourned to **28.08.2019**.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-3719/2017, D-2945/2017, D-8317/2018, D-1247/2019, D-255/2019

Date	Order .with signature of Judge
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1. For hearing of CMA No.16783/2017
2. For hearing of main case

09.07.2019

Mr. Farooq H. Naek, advocate for the petitioner in C.P.No.D-3719/2017

Mr. Malik Altaf Javed, advocate for the petitioner in C.P.No.D-255/2019 and C.P.No.D-1247/2019

Mr. Ubedullah Abro, Special Prosecutor, NAB

This is a bunch of five (05) connected petitions in which petitioners are present on ad-interim pre-arrest bail. Learned Special Prosecutor, NAB has submitted that after investigation a draft Reference has been sent to Head Office, NAB, Islamabad for approval or otherwise and decision in this regard is expected to come within three (03) weeks. At this juncture, Mr. Malik Altaf Javed, Advocate has submitted that C.P.No.D-255/2019 filed by petitioner Hussain Ali Affendi, has been wrongly tagged with the bunch of instant petitions in that although the petitioner is facing the same investigation but he has filed this petition for de-freezing his property, which relief is essentially different and separate from the relief of bail being sought by the petitioners in remaining petitions and therefore, has requested to de-tag this petition (C.P.No.D-255/2019) from the remaining petitions. Order accordingly.

Adjourned to **22.08.2019**. Office to place a copy of this order in connected petitions.

Judge
Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-8113 of 2018

Date	Order .with signature of Judge
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For hearing of main case

09.07.2019

Mr. Khalid Mehmood Siddiqui, advocate for petitioner

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB

Learned Special Prosecutor, NAB is seeking time, which has been seriously objected by Mr. Khalid Mehmood Siddiqui, advocate on the ground that his client is in jail. In view of above, as a last chance, adjourned to

06.08.2019.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 C.P.Nos.D-1437, D-2976, D-1850, D-1851, D-1776, D-2236, D-2235, D-2356
 of 2019

Date	Order .with signature of Judge
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For hearing of main case

09.07.2019

Mr. Ali Asghar Burioro, advocate for the petitioner in C.P.No.D-1437/2019

Mr. Dur Muhammad Shah, advocate for the petitioner in C.P.No.D-1776/2019

Mr. Malik Altaf Javed, advocate for the petitioner in C.P.No.D-2976/2019

Mr. Mr. Rehman Ghous, advocate for the petitioner

M/s. Raheel Niazi and Azam Khan Niazi, advocate for the petitioner in C.P.No.D-2356/2019

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB and Asif Raza Investigation Officer

This is a bunch of eight (08) petitions in which all the petitioners are present on ad-interim pre-arrest bail except petitioner Agha Sirja Khan Durrani in C.P.No.D-2356/2019, who is behind the bars. Learned Special Prosecutor, NAB submits that these are long matters and would not be completed today and seeks a date after summer vacations. In view of the same, adjourned to **07.08.2019**.

Office to place a copy of this order in connected petitions.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Acctt: Appeal No.35/2018

Date	Order .with signature of Judge
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1. For hearing of main case
2. For hearing of M.A. No.3714/2019

08.07.2019

Mr. Irshad Ahmed Jatoi, advocate for the appellant

Mr. Khalid Mehmood Awan, Special Prosecutor, NAB

By consent adjourned to 08.08.2019.

Judge

Judge

Rafiq/P.A.

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

Crl. Acctt: Appeal No.02/2003 and Cr. Revision Appl. No.22/2003 and Cr.
Acctt: Appeal No.01/2003

Date	Order .with signature of Judge
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3. For order on MA No.6940/2019(U/A)
4. For orders on M.A. No.6341/2019

08.07.2019

Syed Mehmood Alam Rizivi, advocate for the applicant

Mr. Khalid Mehmood Awan, Special Prosecutor, NAB

1. Urgent application is granted.
2. A copy of listed application has been supplied to the learned Special Prosecutor, NAB, who seeks time and requests that this matter is already fixed on 19.08.2019 and be taken up on the same date. Order accordingly.

To come up on 19.08.2019.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-3489, D-3489, 1103 of 2019, D-6727, D-6571 of 2018, Cr.
Acquittal Appeal Nos. 41 to 45 of 2018.

Date	Order .with signature of Judge
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1. For order on MA No.6324 /2019(U/A)
2. For hearing of main case

08.07.2019

Mr. Salman Hamid, advocate for the petitioner in C.P.No.D-3489/2018

Mr. Muhammad Ishaq Memon, advocate for the petitioner

Mr. Mitharam Dherani, advocate for the petitioner

Mr. Sarfraz Ahmed, advocate

Mr. Khalid Mehmood Awan, Special Prosecutor, NAB

Urgent application is dismissed as the matter is already fixed on 08.08.2019, and therefore, be taken up on the same date.

Office to place a copy of this order in connected petitions.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 C.P.No.D-6845/2015, C.P.No.D-5414/2017, D-6898/2018, D-486/2019, D-6897/2018, D-288/2019

Date _____ Order .with signature of Judge _____

Priority

3. For order on CMA No.243/2016
4. For hg. of CMA No.11255/2017
5. For hg. of CMA No.5173/2017
6. For hg. of CMA No.30233/2015
7. For hg. of CMA No.34028/2015
8. For hg. of main case

05.07.2019

M/s. Shoaib Ali Khatian and Ahmer Jamil Khan, advocate holding brief for Mr. Rasheed A. Rizvi, advocate for the petitioners in C.P.No.D-5414/2017, D-288/2019, D-486/2019,

Mr. Salman Hamid advocate for petitioner.

Mr. Ghulam Shabbir Babar, advocate for the petitioner in C.P.No.D-6897 and 6898 of 2018

M/s. Riaz Alam Khan and Zahid Hussain Baladi, Special Prosecutor, NAB along with I.O. Sarfraz Ahmed

Mr. Irfan Memon, DAG

Petitioner Muhammad Jamshed Alam in C.P.No.D-6898/2018 is present on ad-interim pre-arrest bail along with his counsel. Learned Special Prosecutor, NAB and I.O. of the case have submitted written reply to application bearing CMA No.5171/2019 filed in C.P.No.D-5414/2017, and has supplied its copy to Mr. Shoaib Ali Khatian, associate of Mr. Rasheed A. Rizvi, advocate for the petitioner, who seeks time as according to him Mr. Rasheed A. Rizvi, advocate is not feeling well today, who will argue on the maintainability of this application as well as petition after arrest of the petitioner. In view of above, adjourned to **08.08.2019**.

Office to place a copy of this order in connected petitions.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4378 of 2017

Date	Order .with signature of Judge
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For hearing of main case

05.07.2019

Mr. Irshad Jatoi, advocate for petitioner.

Mr. Ubedullah Abro, Special Prosecutor, NAB

Mr. Irfan Memon, DAG

Petitioner is present on ad-interim pre-arrest bail along with his counsel. Learned Special Prosecutor, NAB submits that the investigation against the petitioner has not yet been completed. In view of above, adjourned to 26.08.2019.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-3611 of 2019
C.P.No.D-3612 of 2019

Date	Order .with signature of Judge
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For hearing of main case

05.07.2019

Mr. Haider Waheed, advocate for petitioner.

Mr. Zahid Hussain Balado, Special Prosecutor, NAB along with I.O.
Muhammad Umer

Petitioners are present on ad-interim pre-arrest bail along with their counsel. Learned Special Prosecutor, NAB as well as I.O. of the case seek time to file comments. At their request, adjourned to 24.07.2019.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-474 of 2019

Date	Order .with signature of Judge
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For hearing of main case

05.07.2019

Mr. Munawar Ali Memon, advocate for petitioner.

Mr. Riaz Alam khan, Special Prosecutor, NAB along with I.O. Muhammad Umer Qureshi

Learned Special Prosecutor, NAB who is present along with I.O. of the case has filed a statement. The order dated 24.05.2019 reflects that this case has been partly heard by the bench comprising Honourable Chief Justice and Mr. Justice Omar Sial and has not been departed since. Let this matter be placed before the Honourable Chief Justice for orders.

To come up on 05.08.2019.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-3560 of 2019

Date	Order .with signature of Judge
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For orders on CMA No.19775/2019 (U/A)

05.07.2019

Mr. Hyder Waheed, advocate for the petitioner

Mr. Irfan Memon, DAG

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB

Urgent application is dismissed as office note shows that this case is already fixed on 24.07.2019. Let this matter be taken up on the same date.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-1962 of 2019

Date	Order .with signature of Judge
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For order as to non-prosecution

05.07.2019

Mr. Mujahid Ali Thebo, advocate for the petitioner

Mr. Ubaidullah Abro, Special Prosecutor, NAB

Petitioner is present on ad-interim pre-arrest bail along with his counsel. Learned Counsel for the petitioner submits that office has wrongly fixed this case as to non-prosecution as he has supplied copy of the petition to the learned Special Prosecutor, NAB, which fact has been confirmed by the learned Special Prosecutor, NAB, who is also present and seeking time to file comments. In view of above, adjourned to **26.08.2019**.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 C.P.No.D-4514 of 2019

Date Order .with signature of Judge

Fresh case

1. For order on Misc. No.19702/2019(Urgent/Application)
2. For order on Misc. No.19703/2019(Exp/App)
3. For order on Misc. No.19704/2019(Stay/App)
4. For order on Misc. No.19708/2019(App U/s 151)
5. For hearing of main case

05.07.2019

Ms. Akhtar Rehana, advocate for the petitioner

1. Granted.
2. Exemption granted but subject to all just exceptions.
- 3to5. Notice to the respondents as well as to the learned Special Prosecutor, NAB and learned Additional Attorney General for 22.07.2019.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4526 of 2019

Date	Order .with signature of Judge
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Fresh case

6. For order on Misc. No.19763/2019(Urgent/Application)
7. For order on Misc. No.19764/2019(Exp/App)
8. For hearing of main case

05.07.2019

Mr. Shoukat Hayat, advocate for the petitioner

1. Granted.
2. Exemption granted but subject to all just exceptions.
3. Notice to the respondents as well as to the learned Special Prosecutor, NAB for 26.07.2019.

Judge

Judge

Rafiq/P.A.

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

C.P.No.D-5914/2015, D-3648/2016, D-3649/2016, D-3650/2016, D-3535/2016, D-5253/2017, D-3651/2016, D-5195/2017, D-5189/2017, D-3647/2016, C.P.No.D-1180/2019 and C.P.No.D-7055/2018

Date	Order .with signature of Judge
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For of case

9. For hg. of CMA No.23355/2015
10. For hg. of CMA No.34238/2015
3. For hearing of Main Case

04.07.2019

Mr. Aamir Raza Naqvi, advocate for the petitioner in CP No.D-5914/2015
 Mr. Mahmood A. Qureshi, Advocate for petitioner in CP No.D-3535/2016
 Mr. Abbas Rasheed Razvi, Advocate for petitioner in CP No.D-5253/2017
 Mr. Muhammad Ashraf Kazi, advocate
 Mr. Mamoon N. Chaudhry, advocate
 Mr. Shahzeb Akhtar Khan, Advocate for the petitioner
 Mr. Riaz Alam Khan, Special Prosecutor, NAB a/w A. Fatah, I.O.
 Mr. Muhammad Ahmed, DAG

All the petitioners are present on ad-interim pre-arrest bail except petitioner Abbas Ali Agha in C.P.No.D-1180/2019, who is in custody. Learned Special Prosecutor, NAB seeks time for filing the Reference before the learned Accountability Court as according to him on the last date of hearing the Reference was filed but it was returned by the learned Accountability Court with some objections, which are being removed.
 Adjourned to **05.08.2019**.

Office is directed to place a copy of this order in connected petitions.

Judge

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-1241 of 2017
C.P.No.D-6768 of 2018
C.P.No.D-6374 of 2018
C.P.No.D-7944 of 2018

Order with signature of Judge

04.07.2019

Mr. Khaleeq Ahmed, advocate for petitioner
Mr. Munawar Ali Memon, advocate for the petitioner
Mr. Aftab Hussain, advocate for petitioner
Mr. Riaz Alam Khan, Special Prosecutor, NAB a/w I.O. Umesh Chawla
Mr. Irfan Memon, DAG

This is a bunch of (04) connected petitions in which all the petitioners are present on ad-interim pre-arrest bail along with their counsel. It is jointly informed that earlier bail applications of co-accused namely Javed Qamar and Muhammad Ramzan Solangi in C.P. No.D-4421/2018 and D-8056/2018, have been decided by the bench comprising Honourable Chief Justice and Mr. Justice Omar Sial as such in view of dicta laid down in Nazir's as well as Zubair's cases these petitions may be sent to the same bench. Let these petitions be placed before the Honourable Chief Justice for orders as suggested. Adjourned to **22.08.2019**.

Office to place a copy of this order in connected petitions.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-7362 of 2018

Order with signature of Judge

For hearing of main case

04.07.2019

Mr. Khalid Javed Khan, advocate for petitioner
Mr. Riaz Alam Khan, Special Prosecutor, NAB along with I.O. Umesh
Chawla
Mr. Irfan Memon, DAG

Petitioner is present on ad-interim pre-arrest bail along with his counsel. This petition has been tagged with a bunch of nine (09) other petitions, as is shown from previous order sheets. However, at the very outset, learned Special Prosecutor, NAB as well as I.O. of the case have submitted that the investigation against the petitioner Jam Khan Shoro (C.P.No.D-7362/2018) is going on and has not been completed yet and therefore this petition is not essentially connected with the rest of the petitions in which the Reference No.07/2019 has been filed. They next submit that this petition may be de-tagged from the rest of the petitions and be heard and decided separately. Order accordingly. Petitioner is present on ad-interim pre-arrest bail. As is reflected from the statement of learned Special Prosecutor, NAB and I.O., the case against the petitioner is at investigation stage, which the I.O. asserts would be completed within six (06) weeks, adjourned to **22.08.2019**.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-1766 of 2019

Order with signature of Judge

For hearing of main case

04.07.2019

Mr. Khalid Javed Khan, advocate for petitioner
Mr. Riaz Alam Khan, Special Prosecutor, NAB along with I.O. Umesh
Chawla
Mr. Irfan Memon, DAG

Petitioner is present on ad-interim pre-arrest bail along with his
counsel. Learned Special Prosecutor, NAB submits that connected
C.P.No.D-1241/2019 & others are fixed on 07.08.2019 and requests that this
petition may also be adjourned to the same date. Order accordingly.

To come up on **07.08.2019**.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-1943 of 2019
C.P.No.D-7761 of 2018

Order with signature of Judge

For hearing of main case

04.07.2019

Mr. Raja Jawad Ali Saahar, advocate for petitioners
Mr. Zahid Hussain Baladi, Special Prosecutor, NAB
Mr. Irfan Memon, DAG

Petitioners are present on ad-interim pre-arrest bail along with their counsel. Learned Special Prosecutor, NAB submits that the investigation is still pending against the petitioners and will take time to complete the same. would be completed within a stipulated period. In view thereof, adjourned to 22.08.2019.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-1214 of 2019

Order with signature of Judge

For hearing of main case

04.07.2019

Mr. Aamir Raza Naqvi, advocate holding brief for Mr. Haq Nawaz Talpur, advocate for the petitioner
Mr. Zahid Hussain Baladi, Spl. Prosecutor, NAB along with Ghulam Murtaza Abbasi, I.O.

Petitioner is present on ad-interim pre-arrest. Learned Special Prosecutor, NAB and I.O. of the case have submitted that still the inquiry against the petitioner is going on and will take some time to complete. In view thereof, adjourned to 22.08.2019.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-4099 of 2019
C.P.No.D-3561 of 2019

Order with signature of Judge

For hearing of main case

04.07.2019

Mr. Shahnawaz Saheto, advocate for the petitioner in C.P.No.D-4099/2019

Mr. Rehan Memon, advocate for the petitioner in C.P.No.D-3561/2019

Mr. Ubedullah Abro, Spl. Prosecutor, NAB

Hassan Ali Magsi, petitioner in C.P.No.D-3561/2019 is present on ad-interim pre-arrest bail along with his counsel, whereas, Arif, petitioner is present along with his counsel. Learned Special Prosecutor, NAB submits that still the inquiry is pending against the petitioners and will take some time to complete. However, he claims copy of C.P.No.D-4099/2019, which learned defence counsel has supplied to him. In view of above, adjourned to

23.08.2019.

Interim order passed earlier in C.P.No.D-4099/2019 to continue till the next date of hearing.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-3581 of 2019

Order with signature of Judge

For hearing of main case

04.07.2019

Mr.Shabeer Hussain Memon, advocate for the petitioner
Mr. Zahid Hussain Baladi, Spl. Prosecutor, NAB along with Ghulam
Murtaza Abbasi, I.O. NAB

Petitioner is present along with his counsel. Learned Special Prosecutor, NAB and I.O. of the case have submitted a statement to the effect that the petitioner was called not an accused in the inquiry against Ramzan Awan the then Secretary, Local Govt. Department, Govt. of Sindh but as a witness being acquainted with the facts and further that he is no longer required by the NAB in any pending inquiry or investigation. The petitioner and learned counsel for the petitioner being satisfied seek disposal of this petition in above terms, which is accordingly disposed of in the light of above.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-3816 of 2019

Order with signature of Judge

For hearing of main case

04.07.2019

Mr.Irshad Ali Bhatti, advocate for the petitioner
Mr. Zahid Hussain Baladi, Spl. Prosecutor, NAB along with Jahangir
Jawad, I.O. NAB

Petitioner is present on ad-interim pre-arrest bail along with his counsel. Learned Special Prosecutor, NAB and I.O. of the case have submitted that investigation has been completed against the petitioner and such report has been sent to the Head Office, NAB for taking an appropriate action in accordance with law against the petitioner, which is still awaited. In view of above, adjourned to **23.08.2019**.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-4414 of 2018

Order with signature of Judge

hg. of cases
for orders on CMA No.19650/2019(U/A)

04.07.2019

Mr. Shahzeb Akhtar Khan, Advocate for the petitioner
Mr. Zahid Hussain Baladi, Spl. Prosecutor, NAB

Urgent application is dismissed as the present case as well as
connected petitions are already fixed on 08.08.2019.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Accqtt: Appeal No.21 of 2019

Order with signature of Judge

For orders as to non-prosecution

04.07.2019

Mr. Khalid Mehmood Awan, Spl. Prosecutor, NAB

At the request of learned Special Prosecutor, NAB, one weeks' time is granted for compliance.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-4072/2019, C.P.No.D-4286/2019 C.P.No.D-3944, D-3945 and D-3946/2019, C.P.No.D-3985 to D-3988/2019

Order with signature of Judge

Priority

1. For hg. of CMA No.18774/2019
2. For hearing of main case

03.07.2019

Mr. Barkat Ali Metlo, advocate for the petitioners
Mr. Ubedullah Abro, Spl. Prosecutor, NAB

This is a bunch of nine (09) petitions in which petitioners are present on ad-interim pre-arrest bail along with their counsel. Learned Special Prosecutor, NAB claims copy of some petitions, which defence counsel undertakes to supply him within a week. He further submits that C.P.No.D-4140/2019 has wrongly been tagged along with present bunch of petitions and requests that same may be de-tagged. Order accordingly. Learned Special Prosecutor, NAB further submits that the case of the petitioners is still on investigation stage and will take some time to complete. In view of above, adjourned to **20.08.2019**.

Office to place a copy of this order in all connected petitions.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-633/2016, along with C.P.Nos.D-1042, D-1043, D-1044, D-1045 of
2019, D-4332/2018, D-3149/2017

Order with signature of Judge

Priority

3. For order on CMA No.30655/2017
4. For hg. of CMA No.14590/2017
5. For hg. of CMA No.2810/2016
6. For hearing of main case

03.07.2019

Mr. Muhammad Anwar Tariq, advocate for petitioner in C.P.No.D-633/2016
Mr. Raj Ali Wahid, advocate for petitioner in C.P.No.D-1044/2019
Mr. Ahmed Raza, advocate holding brief for Mr. Ahmed Hassan Rana, advocate for petitioner in C.P.No.D-3149/2017
Mr. Irfan Ahmed, DAG
Mr. Riaz Alam Khan, Special Prosecutor, NAB along with Nasir Shahzad I.O. NAB

Petitioners are present on ad-interim pre-arrest bail along with their counsel. Mr. Raj Ali Wahid Kunwar, advocate has placed on record certified photo-stat copies of the orders passed by Honourable Supreme Court, copies whereof have been supplied to the learned Special Prosecutor, NAB as well as to the learned DAG, who seek time to go through the same. Adjourned to **15.07.2019**.

Office to place a copy of this order in all connected petitions.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-6026 of 2018

Order with signature of Judge

For orders on CMA No.19573/2019 (U/A)

03.07.2019

Mr. Mohsin Qadir Shahwani, advocate for petitioner
Mr. Riaz Alam, Spl. Prosecutor, NAB

This urgent application has been filed along with a certified copy of order dated 12.06.2019 of Honourable Supreme Court passed in Civil Petition No.1933 of 2019, which was filed by the petitioner against the interlocutory order dated 23.05.2019, whereby the case was adjourned to 08.08.2019. A perusal thereof reflects that this Court has been expected to hear and decide the case on the said date of hearing viz. 08.08.2019. The anxiety shown by the learned defence counsel is that on each and every date of hearing the petitioners who are on ad-interim pre-arrest bail do not proceed with the matter as such the case of the present petitioner who is behind the bars is always delayed. The learned Special Prosecutor, NAB, so also learned counsel for the petitioners, who are on ad-interim pre-arrest bail, are directed to come prepared to proceed with matter on **08.08.2019** as directed by the Honourable Supreme Court.

To come up on **08.08.2019**.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-7651, D-8754, D-8342 of 2019
D-1179, D-1981, D-2170, D-1398 of 2019

Order with signature of Judge

For hearing of main case

03.07.2019

Mr. Muhammad Ashraf Kazi, advocate for the petitioner in C.P.No.D-1179/2019

Mr. Khawaja Naveed Ahmed, advocate for the petitioner in C.P.No.D-1981/2019

Mr. Noor Muhammad Dayo, advocate for the petitioner in C.P.No.D-8342/2018

Mr. Nadir Khan Burdi, advocate for the petitioner in C.P.No.D-7651/2018

Mr. Riaz Alam, Spl. Prosecutor, NAB

Petitioner Irshadullah Khaskheli in C.P.No.D-8342/2018 and Petitioner Kaleemullah Khaskheli in C.P.No.D-8343/2018 are present on ad-interim pre-arrest bail along with their counsel. Learned Special Prosecutor, NAB submits that I.O. of the case is busy today in Islamabad as such he is not prepared today to proceed with the matter. In view of above, adjourned to

09.07.2019.

Office to place a copy of this order in all connected petitions.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-2244 of 2018
C.P.No.D-3713 of 2018

Order with signature of Judge

For hearing of main case

02.07.2019

Makhdoom Syed Tahir Abbas, advocate for the petitioners
Mr. Ubaidullah Abro, Spl. Prosecutor, NAB

Petitioners are present on ad-interim pre-arrest bail along with their counsel. Learned Special Prosecutor, NAB has submitted that petitioners have submitted applications for plea bargain, which are being processed. However, this fact has been controverted by the petitioners. Be that as it may, since the investigation has not completed, we adjourn this matter to **19.08.2019** when the learned Special Prosecutor, NAB is required to submit report regarding investigation stage.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-1141 of 2019
C.P.No.D-1741 of 2019

Order with signature of Judge

For hearing of case

02.07.2019

Mr. Khalid Mehmood Awan, Spl. Prosecutor, NAB a/w Muhammad Karman, I.O. NAB

Both these petitions filed by the petitioners, who are present on ad-interim pre-arrest bail, against the same investigation are connected. Learned Special Prosecutor, NAB and I.O. have informed that still the investigation against the petitioners is going on and seek some time for completing the same. At their request, adjourned to **19.08.2019**.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-3160 of 2019

Order with signature of Judge

For hearing of case

02.07.2019

Ms. Naheed A. Shahid, Advocate for the petitioner
Mr. Khalid Mehmood Awan, Spl. Prosecutor, NAB

Ms. Naheed A. Shahid, advocate for the petitioner submits that his client is not able to appear before the Court today because she and him were under the impression that this case is fixed tomorrow, and on this ground she seeks condonation of his absence, which is accordingly granted. Learned Special Prosecutor, NAB submits that still the investigation against the petitioner is going on and will take some time to complete. In view of above, adjourned to **19.08.2019**.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Crl. B.A. No.656 of 2019
Crl. B.A. No.393 of 2019

Order with signature of Judge

For hearing of bail application

02.07.2019

Mr. Ali Haider Saleem, DPG

Ms. Sharfeen, advocate holding brief for Mr. Khawja Naveed Ahmed,
advocate for the applicant, requests for time. Adjourned to **15.07.2019**.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P.No.D-1102 of 2019

Order with signature of Judge

For hearing of main case

02.07.2019

Mr. Zahid Hussain Baladi, Special Prosecutor, NAB

Abdul Basit son of the petitioner is present and submits that his
counsel is on general adjournment. Adjourned to 15.07.2019.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-2497 of 2019
C.P.No.D-1238 of 2019

Order with signature of Judge

1. For hg. of CMA NO.1133/2019
2. For hearing of main case

02.07.2019

Mr. Mr. Aamir Mansoob Qureshi, advocate for the petitioner in C.P.
No.D-1238/2019
Mr. Zahid Hussain Baladi, Special Prosecutor, NAB a/w I.O.
Muhammad Kamran

Petitioner Muhammad Hussain Burdi is present on ad-interim pre-arrest bail in C.P.No.D-2497/2019, however, his counsel is called absent. In the interest of justice, adjourned to **29.07.2019** when I.O. is required to be present.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-326 of 2018

Order with signature of Judge

For orders on CMA No.19316/2019(U/A)

01.07.2019

Mr. Ali Azad Salim, advocate for petitioner
Mr. Zahid Hussain Baladi, Special Prosecutor, NAB

Urgency Granted.

The matter is ante-dated and fixed on **15.07.2019** with notice to all concerned.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-792 of 2019
C.P.No.D-5252 of 2018
C.P.No.D-8002 of 2017
C.P.No.D-7746 of 2017
C.P.No.D-7747 of 2017
C.P.No.D-2314 of 2017
C.P.No.D-8284 of 2018
C.P.No.D-8454 of 2018
C.P.No.D-1485 of 2019
C.P.No.D-1486 of 2019
C.P.No.D-1519 of 2019
C.P.No.D-3530 of 2019

Date	Order with signature of the Judge
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Hq. of case

1. For order on CMA No.3413/2019
2. For hg. of main case

01.07.2019.

Moulvi Iqbal Haider, advocate for petitioner in C.P.No.D-792 of 2019
Mr. Raja Basantani, advocate for petitioner in C.P.No.D-5252 of 2018
Mr. Munsif Jan, advocate for petitioner in C.P.No.D-7746, D-7747, D-2314 of 2017
Mr. Obaid-ur-Rehman, advocate for petitioner in C.P.No.D-8284 of 2018
Mr. Umer Khan, advocate for the petitioner
Mr. Nisar Ahmed Mangi, advocate for petitioner
Mr. Zahid Hussain Baladi, Special Prosecutor, NAB

X-X-X-X-X

Petitioners are present on ad-interim pre-arrest bail along with their counsel. This is a bunch of twelve (12) petitions and has been partly heard by a Bench comprising one of us (Mr. Muhammad Iqbal Kalhoro, J and our learned brother (Mr. Amjad Ali Sahito, J), who is currently abroad, and has been wrongly fixed by the office before this Bench. In view thereof, this case is adjourned to **08.07.2019 at 11:00 a.m** to be fixed accordingly.

Office to place a copy of this order in all connected petitions.

JUDGE

JUDGE

Rafiq/PA.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-4398 of 2019

Order with signature of Judge

Fresh case

1. For orders on Misc. No.19192/2019(Urgent/Application)
2. For order on Misc. No.19193/2019(Exp/App)
3. For hearing of main case

01.07.2019

Barrister Mohsin Shahwani, advocate for the petitioner a/w
petitioner

1. Granted.
2. Exemption granted but subject to all just exceptions.
3. Notice to the respondents as well as to the learned Special Prosecutor, NAB and learned Additional Attorney General for
09.07.2019.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-4407 of 2019

Order with signature of Judge

Fresh case

4. For orders on Misc. No.19220/2019(Urgent/Application)
5. For order on Misc. No.19221/2019(Exp/App)
6. For hearing of main case

01.07.2019

M/s. Mahmood Habibullah and Muhammad Fahim, advocate for
the petitioner

4. Granted.
5. Exemption granted but subject to all just exceptions.
6. Notice to the respondents as well as to the learned Special
Prosecutor, NAB and learned Additional Attorney General for
12.07.2019.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-4409 of 2019

Order with signature of Judge

Fresh case

7. For orders on Misc. No.19225/2019(Urgent/Application)
8. For order on Misc. No.19226/2019(Exp/App)
9. For order on Misc. No.19227/2019(Stay/App)
10. For hearing of main case

01.07.2019

1. Mr. Shahid Ali Qureshi, advocate, who is associate of Mr. Amjad Javaid Hashmi, advocate for the petitioner, does not press urgent application, which is accordingly dismissed as not pressed.

2to4. Adjourned.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-4093 of 2019

Order with signature of Judge

11. For orders on CMA No.19377/2019(U/A)
12. For orders on CMA No.19378/2019

01.07.2019

Ms. Saleha Naeem, Advocate for the petitioner

1. Granted.
2. Petitioner who is present along with his counsel does not press this petition, which is accordingly dismissed as not pressed.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Accountability Appeal No.03 of 2018

Order with signature of Judge

13. For hearing of main case
14. For hearing of MA No.5034/2018

01.07.2019

Mr. Nisar Ahmed Tarar, advocate for appellant
Mr. Khalid Ahmed Awan, Special Prosecutor, NAB

By consent, adjourned to 03.08.2019.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Acquittal Appeal Nos. 47, 46, 51, 52, 53/2018, C.P.Nos.D-7104, 7105
and 7144 of 2018

Order with signature of Judge

- 15. For orders on office objection a/w reply at flag-A
- 16. For hearing of main case
- 17. For hearing of M.A. No.8347/2018

01.07.2019

Mr. Mehmood Alam Rizvi, advocate for the petitioner in C.P.Nos.D-7144/2018 and Cr. Acquittal Appeal No.53/2018

Mr. Aamir Mansoob Qureshi, advcaote for the appellant in Cr. Acquittal Appeal Nos.47/2018 and in C.P.Nos.D-7105/2018 and 7104/2018

Mr. Jamil Ahmed Rajper, advocate for appellants in Cr. Acctt. Appeal Nos.51/2018 and 52/2018

Mr. Khalid Ahmed Awan, Special Prosecutor, NAB

By consent, adjourned to 08.08.2019.

Office to place a copy of this order in all connected matters.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-2576 of 2019

Order with signature of Judge

18. For orders on CMA No.19343/2019(U/A)
19. For hearing of Main Case.

01.07.2019

Mr. Rehan Memon, Advocate for the petitioner
Mr. Zahid Hussain Baladi, Special Prosecutor, NAB

1. Granted.
2. Learned Special Prosecutor, NAB has filed the comments. A copy whereof has been supplied to the learned Counsel for the petitioner, who seeks time to go through the same.

To come up on 06.08.2019.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-4398 of 2019

Order with signature of Judge

Fresh Case.

- 20. For orders on Misc. No.19192 of 2019.
- 21. For orders on Misc. No.19193 of 2019.
- 22. For orders on Misc. No.19194 of 2019.
- 23. For hearing of Main Case.

01.07.2019

Mr. _____, Advocate for the petitioner.

- 1. Granted.
- 2. Granted subject to all just exceptions.
- 3&4.

J U D G E

J U D G E

Rafiq P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.1194 of 2019

Date	Order with signature of Judge
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Imran Ali @ ManiApplicant/Accused

VERSUS

The StateRespondent

For hearing of Bail Application.

15.10.2019.

Mr. Shakeel Ahmed, Advocate for applicant/accused
 Syed Meer Ali Shah, Addl: P.G Sindh

—

By this order, we would like to dispose of this bail application, whereby applicant is seeking post arrest bail in case bearing crime

No.25/2018, U/s 109, 220, 365-A/34, R/W Section 7 A.T.A. 21(1) A.T.A. registered at Police Station CTD Operation, Karachi.

2. Applicant's name is not mentioned in the FIR, which was lodged by complainant on 19.01.2019, regarding abduction of his son Zulfiqar Ali by police officials posted at Police Station CTD, Karachi and confining him there. When complainant went to see his son at Police Station CTD, the accused police officials demanded ransom from him for release of his son. He, however, managed a raid conducted by learned Judicial Magistrate, who found son of the complainant in illegal confinement. However, subsequent to it, he was booked in FIR No.91/2017, U/s 4/5 Explosive Act, R/W Section 7 ATA against recovery of a huge cache of arms and explosive, which as per prosecution story was supplied by accused Shah Khalid. The case against the applicant is that he was in connivance with co-accused Shah Khalid, who had supplied arms and explosive to the police, which were foisted upon son of complainant Zulfiqar Ali.

3. It is argued that all the accused who are police officials and against whom direct allegations of abduction and demanding ransom from the complainant have been leveled by the complainant have been granted bail by this Court. The only allegation against the applicant is that after his arrest in other crime, his statement under Section 164 Cr. P.C. was recorded in which he has admitted to be in league with the co-accused Shah Khalid, who had supplied arms and explosive which were foisted upon son of the complainant.

4. Learned Additional Prosecutor General Sindh has not denied that co-accused against whom direct allegations have been leveled by the complainant have been granted bail by this Court and rule of consistency is applicable to the case of the applicant.

5. Mr. Abdul Latif Khoso, Advocate is holding brief for Mr. Muhammad Asif Jawed, Advocate.

6. After hearing the parties, we are of the view that applicant has been able to make out a case for bail not only on rule of consistency as the main accused have already been granted bail but also on the ground of further inquiry. The only material against him is his 164 Cr. P.C. statement to the effect as stated above. The value of such statement in law is yet to be determined at trial. Consequently, we allow this bail application, and grant bail to the applicant subject to his furnishing a solvent surety in the sum of Rs.200,000/ (Rupees two hundred thousand only) with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court.

7. The bail application is disposed of in the above terms. The findings made hereinabove are tentative in nature and shall not prejudice case of either party at trial.

JUDGE

JUDGE

Rafiq/P.A

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.185 of 2016

Cr. Bail Appl No.186 of 2016

Date	Order with signature of Judge
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For hearing of Bail Application.

12.04.2016.

Mr. Muhammad Tariq Abbasi, Advocate for applicant/accused
Mr. Abdullah Rajput, APG.

ORDER

MUHAMMAD IQBAL KALHORO J: By this order, I would like to dispose of above two (02) bail applications, whereby applicant is seeking post arrest bail in main case bearing crime No.422/2014, Police Station Aziz Bhatti Karachi, U/s 353, 324, 34 PPC; and the case being crime No.423/2014, U/s 23-A Sindh Arms Act, 2013.

2. Allegations against the applicant are that on 05.09.2014 at 1200 hours he was arrested at the spot by the police during an encounter and from him allegedly a bunch of keys, one cutter, charas weighing 50 grams, one 30 bore of unlicensed pistol, two empties of SMG and one stolen motorcycle were recovered.

3. Learned counsel for the applicant has argued that applicant is innocent and has been falsely implicated in this case that the allegations against him are of ineffective firing, which require further enquiry.

4. On the other hand, learned A.P.G has opposed grant of bail to the applicant on the grounds that the applicant is habitual criminal and against him previously two criminal cases of similar nature have been registered.

5. I have considered the submissions of the parties and perused the material available on record.

6. The FIR shows that applicant was arrested at the spot during an encounter with the police and from him an unlicensed weapon, one stolen motorcycle; some narcotics, and some utensils of dubious nature were recovered. The arguments of the learned counsel that allegation of only ineffective firing are alleged against him and his case calls for further enquiry is not factually correct. The applicant has criminal history and is involved in similar type of cases. His arrest from the spot and recovery of incriminating articles furnish prima facie sufficient evidence to show his connection with the commission of the offence.

7. Resultantly, I do not find the applicant entitled for grant of bail. At the same time, I feel that expeditious trial is the right of the accused, which cannot be denied to him. Accordingly, the trial Court is directed to expedite the trial and conclude the same preferably within a period of two months, whereafter, the applicant however, repeat his bail application, if he so wishes.

The bail applications are disposed of in the above terms.

JUDGE

Rafiq/P.A

ORDER SHEET7

IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl. No.277of 2016

Date	Order with signature of Judge
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For hearing of Bail Application.

18.04.2016.

Mr. Mr. Aurangzeb Khan, Advocate for applicant
Mr. Muhammad Qasim, Standing Counsel
SI/I.O. Fida Muhammad, FIA

ORDER

MUHAMMAD IQBAL KALHORO J: Applicant is seeking bail in crime No.307/2015, registered at Police Station FIA AHTC Karachi, U/s 17(2)(b) of E.O. 1979.

2. This case was registered on the application of complainant namely Deen Muhammad alleging that applicant and co-accused Razan Ali on the pretext of sending them Dubai on employment visa received Rs.21,00,000/-. But when complainant and others persons, who were given such visa through him, reached Dubai, it did not turn out to be so the visas were for visit purpose. In the investigation, the applicant was found providing assistance to co-accused Razan Ali who deceived the people out of their money on the pretext of sending them to Dubai on such visa. On the basis of such allegations the challan was submitted against the applicant for having committed an offence punishable U/s 17(2)(b) Emigration Ordinance, 1979.

3. Learned counsel has argued that there is delay of one year in registration of the FIR, which is not explained, no role except to that of providing alleged assistance to the main accused Razan Ali is alleged against the applicant. He further states that no money was received by the applicant from the complainant and there is no record to suggest that in any manner the applicant facilitated the main accused in sending the complainant and others to Dubai.

4. On the other hand, learned Standing Counsel has opposed grant of bail, on the ground that the accused used to introduce innocent persons to the main accused Razan Ali who in collusion with him used to deceive them out of their money. Although both were not authorized agents under the law to send people abroad.

5. I have considered the submissions of the parties and perused the material available on record. Learned Standing Counsel has admitted that against the present applicant no allegation of receiving any money from the complainant or other person, who were sent to Dubai, has been leveled. The only allegation against him is that he had introduced the complainant to the main accused Razan Ali, who received the money form him for sending to Dubai on employment visa. Applicant is charged with an offence which carries punishment up to five years, or fines or both. It is, therefore, obvious that in the event of conviction, it is not necessary that the applicant may be sentenced for a certain period. The allegation of introducing complainant to the main accused in the above facts and circumstances requires further inquiry. Accordingly the applicant is granted bail subject to furnishing a solvent surety in the sum of Rs.2,00,000/- (Two hundred thousand only) and P.R bond in the like amount to the satisfaction of Nazir of this court

The bail application stands disposed of.

JUDGE

Rafiq/P.A

IN THE HIGH COURT OF SINDH, KARACHI.

Present:-

Mr. Justice Muhammad Iqbal

Kalhora

Mr. Justice Abdul Mobeen Lakho

Cr. Bail Appl No.305 of 2019

Muhammad Iqbal Vs.....The State

Cr. Bail Appl No.390 of 2019

Ghulam Nazuk Vs.....The State

Cr. Bail Appl No.399 of 2019

Allah Yar Kaka..... Vs.....The State

Cr. Bail Appl No.885 of 2019

Shakeel Feroz..... Vs.....The State

Cr. Bail Appl No.1195 of 2019

Syed Rais Abbas Zaidi..... Vs.....The State

Cr. Misc. Appl. No.33 of 2019

Muhammad Khan Vs.....The State & another

Cr. Misc. Appl. No.34 of 2019

Muhammad Khan Vs.....The State & another

Cr. Misc. Appl. No.34 of 2019

Muhammad Khan Vs.....The State & another

Cr. Misc. Appl. No.251 of 2018

Muhammad Khan **Vs**.....The State &
another

Cr. Misc. Appl. No.228 of 2018

Muhammad Khan **Vs**.....The State &
another

Cr. Misc. Appl. No.313 of 2018

Muhammad Khan **Vs**.....The State &
another

Cr. Misc. Appl. No.314 of 2018

Muhammad Khan **Vs**.....The State &
another

Date of hearing : **13.11.2019**
Date of order :

Mr. Khawaja Naveed Ahmed, Advocate for applicant in Cr. B.A. No.885/2019
Mr. Abdul Majeed Khoso, Advocate for applicant in Cr. B.A. No.399/2019
Mr. Ghulam Hussain, Advocate for applicant in Cr. B.A. No.390/2019.
Mr. Moulvi Iqbal Haider, Advocate for the applicant
Mr. Saad Fayaz, Advocate holding brief for Mr. Faisal Siddiqui, Advocate for complainant
Mr. Aamir Mansoob Qureshi, Advocate for Respondents in Cr. Misc. Appl. Nos.228 and 251 of 2018
Mr. Anwar Ali Sheikh, Advocate for respondents
Mr. Ali Haider Saleem, DPG

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ORDER

Muhammad Iqbal Kalhoro, J:- This order shall dispose of all the captioned matters, which include applications for post-arrest bail and applications for cancellation of bail already granted to the accused in Spl. Case No.323/2018, FIR No.40/218, U/s 365, 302, 109, 344, 34 PPC R/W Section 7 ATA, P.S. Sachal, Karachi and in Special Case No.627/2018 and Special Case No.628/2018, FIR No.142 of 2018, U/s 26 Arms Act, 2013, R/W Section 7 ATA, 1997, R/W Section 3/4 Explosive Substances Act, 1908, P.S. Shah Latif Town, Karachi.

2. As per facts on 13.01.2018 Crime No.17/2018 was registered at Police Station Shah Latif Town for offences u/s 353, 324, 34 PPC, 3/4

Explosive Substance Act r/w Section 7 Anti-Terrorism Act alleging an encounter taken in which four persons were killed besides showing recovery of arms and ammunition from the scene of occurrence. Crime No.17/2018 was registered on the report of SHO Amanullah Marwat of Police Station Shah Latif Town and separate cases being crime No.18, 19, 20, and 21 of 2018 were registered in respect of recoveries of arms and ammunition from the persons killed in the encounter. However, after hue and cry raised in the media, Inspector General of Sindh ordered an inquiry through a committee headed by Additional Inspector General of Police CTD Sindh, Karachi Mr. Sanaullah Abbasi. As per its report the encounter was fake. Accordingly the investigation of crime No.17/2018 was entrusted to Mr. Abid Hussain Qaimkhani, SSP Investigation-I East Zone, SSP Investigation-III East Zone, SSP CTD Operations and SP Special Branch Sindh were directed to assist him as members of the team. This team also concluded that the encounter between police and the culprits was not proved and therefore, the case was recommended for disposal in 'B' Class. Consequently, Crime No.142/2018, U/s 26 Sindh Arms Act was registered at Police Station Shah Latif Town against 12 police officials. On 23.01.2018 Muhammad Khan father of deceased Naseemullah @ Naqeebullah lodged a report being crime No.40/2018 at Police Station Sachal alleging therein that his son aged about 24 years was present at Sher Agha Hotel on 03.01.2018 situated at Chapal Garden Abu-ul-Hassan Isfhani Road, Karachi and was abducted along with Hazrat Ali and Mohammad Qasim by SSP Rao Anwar along with 8/9 companions in plain clothes. On 06.01.2018 at about 10:00 a.m. Hazrat Ali and Mohammad Qasim were released and were left at Super Highway. The mobile phone of son of complainant was however found switched off and despite search of his son by relatives he could not be traced out. On

17.01.2018 further the news flashed on television, the complainant came to know about an encounter and death of his son. The case was accordingly registered by SHO/Inspector Shakir Ali, and I.G. Sindh vide an order dated 26.01.2018 constituted another inquiry committee headed by Additional I.G. Sindh Mr. Aftab Ahmed Pathan. During investigation the police got recorded the 164 Cr. P.C. statements of PWs Hazrat Ali and Mohammad Qasim for collecting digital evidence, geo-fencing in respect of activity of accused nominated therein. Identification of ASI Allahyar Kaka, HC Mohammad Iqbal and PC Arshad was held in presence of Magistrate.

3. Learned defence counsel have argued that applicants are innocent and have been falsely implicated in this case; that their name is not mentioned in the FIR and on the basis of Geofencing report only they have been booked in this case; that some of the PWs have been examined, who have not been supported the prosecution case viz-e-viz identity of the applicants; that the final report u/s 173 Cr. P.C. shows that I.O. has contradicted himself on many aspects of the case; that main accused, the then SSP Rao Anwar has been granted bail, and the case of present accused is on better footing.

2.

6. Both the bail application stand disposed of in above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E**J U D G E**Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.1093 of 2019
Cr. Bail Appl No.1094 of 2019
Cr. Bail Appl No.1095 of 2019

Date	Order with signature of Judge
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Present:-

Mr. Justice Muhammad Iqbal Kalhoro J.
Mr. Justice Zulifqar Ahmed Khan, J.

For hearing of Bail Application.**18.10.2019.**

Mr. Muhammad Zareen Satti Advocate for the applicant.
Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh

ORDER

MUHAMMAD IQBAL KALHORO J: By this single order, we dispose of above captioned bail applications, whereby the applicant is seeking post arrest bail in case bearing Crime No.184/2019 U/s 353, 324, 34 PPC Section 7 ATA; Crime No.185/2019 U/s 23(i)-A SAA; and Crime No.186/2019 U/s 4/5 Explosive Substance Act, R/W Section 7 ATA 1997, all FIRs registered at Police Station Ibrahim Haideri, Karachi.

2. Applicant was arrested on 10.05.2019 at about 2000 hours by police of Police Station Ibrahim Haideri, Karachi from Mehar-un-Nisa Road, Near Parco Chowrangi, Ibrahim Haideri after an encounter in which his accomplices namely Jahanzaib Pathan and Ayub Bengali made their escape good. From his possession one 30 bore pistol, one bomb i.e. grenade were recovered. On the basis thereof, the applicant has been booked in three (03) different cases.

3. Mr. Muhammad Zareen Satti, Advocate has filed Vakalatnama on behalf of the applicant and argued that applicant is innocent and has been falsely implicated in this case; that the private witness, who has been made as Mashir is a star witness of police; that there is difference between description of bomb mentioned in the memo of arrest and recovery and the report of bomb disposal squad, as such the case of the applicant requires further enquiry.

4. On the other hand, learned Additional Prosecutor General Sindh has opposed bail to the applicant and has submitted that the applicant was arrested after encounter and from him explosive as well as illegal weapon was recovered. He has further submitted that the trial has commenced and 02 out of 05 witnesses have been examined.

5. We have considered submissions of the parties and perused the material available on record. Needless to say that at bail stage only tentative assessment of the material is to be undertaken. *Prima facie* there is sufficient evidence against the applicant connecting him with the present offence as from the applicant an illegal weapon i.e. 30 bore pistol and one bomb have been recovered which has been supported by the witnesses. Although, except one private witness namely Syed Ayaz Hussain, all the witnesses are police officials but there is nothing on record to show that they have any enmity with applicant to falsely implicate him. Besides, as informed, the trial has commenced and 02 out of 05 witnesses have been examined which would mean that the case is likely to be concluded shortly. In such circumstances, we are of the view that applicant has not been able to make out a case for bail. Accordingly, these bail applications are dismissed. However, the trial Court is directed to expedite the trial and conclude it within two (02) months from the date of receipt of this order and submit such report through MIT-II of this Court.

6. Bail applications stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

There is no enmity between the applicant and the prosecution witnesses to raise any suspicion of his false implication in the case. In view of above, we do not find the applicant entitled to concession of bail at this stage

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.1548 of 2018

Date	Order with signature of Judge
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For hearing of Bail Application.

15.04.2019.

Mr. Saathi M. Ishaque, advocate for the applicant
Mr. Ali Haider Salim, DPG along with Zahid Hussain DSP/SSU and PI
Sarfray Khan CTD Investigation.

This order shall dispose of above bail application, whereby applicant is seeking post arrest bail in case bearing crime No.149/2017 U/s 223, 224, 225, 225-A PPC read with Section 7 ATA, registered with Police Station New Town, Karachi.

As per facts, the instant FIR was registered on a letter by Deputy Inspector General of Prisons at Karachi on **14.06.2017** disclosing escape of two Under Trial Prisoners ('UTPs') namely Shaikh Muhammad Mumtaz alias Firoon and Muhammad Ahmed alias Munna from Judicial Complex situated adjacent to Central Prison Karachi on **13.06.2017** during court hours allegedly due to negligence of jail officials including the applicant.

The role of present accused is that he was posted as Assistant Superintendent and was incharge officer for production of Under Trail Prisoners ('UTPs') in the Courts. His duty was over ward Nos.25/26 where escapee prisoners were confined, and taken to the Court in jail premises on the day of incident although their case was not fixed.

Learned Counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case; that his name is not mentioned in the FIR; that rule of consistency is applicable to the case of applicant as several co-accused have been granted bail by the trial Court or by this Court; that fourteen (14) witnesses have been examined but none has implicated the applicant. In support of his contention, he has relied upon the case laws reported in *PLD 2001 Supreme Court 378 and PLD 2002 Supreme Court 287*.

On the other hand, learned DPG has opposed grant of bail to the applicant and submits that role of applicant is distinguishable to that of co-accused granted bail in that he was incharge officer to produce UTPs in the Courts and also responsible for security of ward No.25/26, where escapees were confined and taken to the Court although their case was not fixed and ultimately they escaped. Learned DPG further submits that almost all the material witnesses have been examined except Investigating Officer (IO)

namely Zahid Hussain, Taj Muhammad and one Chanzaib and therefore the trial can be concluded within a period of one month.

We have considered submissions of the learned counsel for the parties and have gone through the material available on record and the case law at bar. It may be mentioned here that this bail application was connected with Cr. B.A. No.805 of 2018, Cr. B.A. No.1563 of 2018, Cr. B.A. No.1459 of 2018, Cr. B.A. No.1247 of 2018, Cr. B.A. No.1170 of 2018, Cr. B.A. No.875 of 2018, which were also fixed today but learned defence counsel agreed to not press them, if the trial Court would be directed to conclude the trial within a period of one month as all the material witnesses have already been examined, and in the light of such request all those bail applications were dismissed as not pressed with direction to the trial court to conclude the case within one month.

Against the present applicant, the allegations are that he was incharge officer to produce UTPs in the Courts and was also responsible for security of ward No.25/26. Allegedly on 13.06.2017 the escapees were taken to the Court inside the jail premises under his supervision from where they escaped although their case was not fixed in the Court. And when in the evening they did not return, he did not inform this fact to the authorities concerned and instead signed the relevant register showing all the accused including escapees lodged in the wards and endorsed certificate to that effect in the register. Learned DPG during the course of arguments has produced a Photostat copy of such record, which *prima facie* connects the applicant with commission of offence. The case of co-accused, who have been granted bail is distinguishable as no one from among them was incharge relevant jail wards, where the escapees were lodged.

Moreover, we have noted that the trial is at the fag-end as almost all the material witnesses have been examined except Investigating Officer (IO) namely Zahid Hussain, and two more, whose evidence, the learned DPG has undertaken would be recorded within a period of one month. Therefore, at this juncture, we do not see any merit in the present bail application and dismiss it accordingly. However, we direct the trial Court to expedite the trial and conclude it preferably within a period of one (01) month hereof and submit such compliance report through MIT-II of this Court.

The bail application stands disposed of in the above terms. The findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G ERafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
 Cr. Bail Appl No.1550 of 2018

Date	Order with signature of Judge
	1. <u>For orders on office objection at Flag-A</u> 2. <u>For hg. of bail Application</u>

20.12.2018.

Mr. Ali Haider Saleem, DPG.

ORDER

By this order, we dispose of above bail application, whereby applicant is seeking post arrest bail in a case bearing crime No.280/2018, U/s 324, 353, 34 PPC, registered at Police Station, Shah Faisal Colony, Karachi.

Mr. Aftab Ahmed Satti, advocate has filed power on behalf of the applicant, which is taken on record.

Allegedly police party of Police Station Shah Faisal Colony, Karachi headed by ASI Zafar Iqbal was on patrol duty on **09.09.2018** at about 0415 hours during when on suspicion they signaled two (02) boys riding on a motorcycle to stop but instead they resorted to indiscriminating firing at police party. Police retaliated and succeeded in arresting one accused namely Nabeel Ahmed, who disclosed name of absconding accused as Rizwan alias Doodha, the present applicant. He was arrested on the same date at about 0630 hours from Azeem Pura Qabrstan Road within the jurisdiction of Police Station Al-Falah and from him allegedly one pistol of 30 bore along with magazine and 04 live bullets was also recovered.

Learned defence counsel has argued in favour of grant of bail to the applicant on the ground that he was not arrested from the spot and his name was disclosed by the co-accused.

Learned DPG has opposed grant of bail to the applicant, however, has not been able to deny the fact that the applicant was not arrested from the spot and his name was disclosed by the co-accused. Further, he has informed that applicant is involved in four (04) more cases but at the same time has conceded that in two (02) cases, he has been acquitted, whereas, in remaining cases, he has been granted bail.

We, in the above facts and circumstances are of the view that the case against the applicant requires further enquiry, because although it is

alleged that an encounter had taken place between accused persons and the police party but no one was injured therein and the applicant was not arrested from the spot. As for other cases against him, the applicant has been acquitted in two (02) cases and in remaining cases he has already been granted bail. Accordingly, we allow this bail application, the applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.200,000/ (Rupees two hundred thousand only) with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court.

The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.1489 of 2018

Date	Order with signature of Judge
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For hearing of Bail Application.

04.12.2018.

Mr. Saifullah, Advocate for the applicant

M/s. Siraj Ali K. Chandio, Addl: P.G. and Ali Haider Salim, DPG

The applicant, Umer Zada is seeking post arrest bail in a case bearing crime No.423/2016, U/s II EE(4) r/w section 7 of ATA, 1997, registered with Police Station Peerabad, Karachi.

It is alleged in the FIR that name of the applicant was put in the 4th Schedule of ATC Act, 1997 vide notification dated **31.12.2009** for a period of three (03) years and the applicant in terms thereof continuously appeared before the Police Station concerned to mark his presence. However, since **10.03.2016** he disappeared and thereafter in his absence again his name for 4th Schedule was re-notified on **28.09.2017** but in terms of re-notification the applicant did not record his presence with the Police Station concerned, hence, the present FIR was registered against him u/s IIEE(4) r/w section 7 of ATA, 1997.

Learned defence counsel has argued in favour of grant of bail to the applicant, whereas, learned Additional Prosecutor General has opposed such a relief to him.

We have considered the facts of the case. Except the present case no other case has ever been registered against the applicant. In terms of earlier notification

dated **31.12.2009** which was for only three (03) years the applicant continuously appeared in the Police Station up-to **01.03.2016** which is beyond the period of three (03) years. A fresh notification was issued in his absence on 28.09.2017, therefore, the question whether he was aware of the subject notification or not and therefore was obliged to appear before Police Station concerned requires further enquiry. Consequently, we allow this bail application, and grant bail to the applicant subject to his furnishing a solvent surety in the sum of Rs.100,000/ (Rupees one hundred thousand only) with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court.

The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.539 of 2018

Date	Order with signature of Judge
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For hearing of Bail Application.

16.11.2018.

Mr. Qadir Raza Shaizada Baloch, Advocate for the applicant
Mr. Liaquat Ali Khan, Advocate for the complainant a/w complainant
Mr. Abdul Jabbar Rajput, Assistant Attorney General a/w SIP
Aijaz Ahmed, P.S. Gulshan-e-Iqbal, Karachi

ORDER

By this order, we dispose of above bail application, whereby applicant is seeking post arrest bail in a case bearing crime No.07/2018, U/s 489-F, 420, 34 PPC, registered at Police Station, Gulshan-e-Iqbal, Karachi.

2. As per facts complainant Ashfaq Hussain sold his ancestral property and deposited the sale consideration in his bank account. His friend Hamdan Nazir persuaded him to deposit his money in mutual account for higher profit, therefore, he along with his friend met with Faheem Khan, Relationship Manager (the applicant) and gave him 23 cheques amounting to Rs.8,850,000/- for investment in mutual account. In the year 2015 he gave him profit for some days and then when he demanded receipts of his money deposited in the mutual account, he gave him some receipts, which on verification were found false and relevant A/c No.439813 as bogus. He

contacted the applicant and Hamadan who informed him that they had given his money to one lady namely Mst. Farida Johar against file of her flat as security, and received 13 cheques from her amounting to Rs.5100000/-. But later on she took away the file of her flat from them on the pretext of selling it and then refused to return the amount. Then complainant contacted Hamadan and asked him to return his money who gave him two cheques of his account, which were bounced on their presentation. Subsequently all the accused refused to give him money.

3. Learned defence counsel has submitted that applicant is innocent and has been falsely implicated in this case; that the case against the applicant is of further enquiry as no cheque was issued to him; that there is delay in registration of the FIR for which no explanation has been given by the complainant.

4. On the other hand, learned counsel for the complainant and learned Assistant Attorney General have opposed grant of bail to the applicant.

5. We have heard the parties and perused the material available on record. The applicant was Relationship Manager in Faisal Bank Ltd., Gulshan-e-Iqbal, Karachi and on the pretext of investing the amount of complainant in some profit earning schemes, he and co-accused jointly and intentionally misappropriated his amount of Rs.8,850,000/-. The applicant is nominated in the FIR with specific role that he had received money from the complainant and for some days had given him profits. But when complainant demanded receipts of original amount deposited by the applicant in the bank, he gave him fake deposit slips which on confirmation were found bogus. Then complainant was kept on false hopes with a story that his money had in fact been given to some lady against file of her flat as security. These facts have been supported by the complainant and witnesses and in the investigation were confirmed by the Investigating Officer. If we take a holistic view of the incident, it appears that applicant in conjunction with the co-accused deprived the complainant of his huge amount, and he therefore *prima facie* appears to be involved in the offence. Consequently, this bail application is dismissed. However, since complainant and his counsel are present and it has been informed that charge has been framed and evidence of one witness has been recorded, we direct, the trial Court to examine the material witnesses including complainant within a period of two (02) months and whereafter the applicant would be at liberty to move a fresh bail application before the trial Court, which if filed, shall be decided on its own merits.

6. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
 Cr. Bail Appl No.1303 of 2018
 Cr. Bail Appl No.1304 of 2018

Date	Order with signature of Judge
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Present:-

MR. Justice Muhammad Iqbal

Kalhorro J.

Mr. Justice Shamsuddin Abbasi, J.

For hearing of Bail Application.

19.10.2018.

Mr. Saadat Hassan, Advocate for the applicant.

Mr. Ali Haider Saleem, DPG along with ASI Rao Fayaz

ORDER

MUHAMMAD IQBAL KALHORO J: By this single order, we dispose of above captioned bail applications, whereby the applicant is seeking post arrest bail in case bearing crime No.271/2018, U/s 392, 353, 324, 186, 34, R/W section 7 ATA and crime No.272/2018, U/s 23-(i)A Sindh Arms Act, both FIRs registered at P.S. Zaman Town, Karachi.

2. Complainant is a Taxi driver, he has stated that on **03.06.2018** at about 2015 hours, he was travelling with passengers and when reached Sector 50/A, Bus Stop 17-K, Korangi No.4, he was waylaid by four (04) accused ridding on two motorcycles, who started committing robbery from him and the passengers. However, they raised hue and cry and meanwhile police party of Police Station Korangi arrived at the place of incident and was able to arrest the applicant after an encounter in which he was injured and from him recovered one unlicensed 30 bore TT pistol. Whereas, his three (03) accomplices are stated to have escaped from the spot.

3. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in this case; that no specific role has been ascribed to the applicant in the FIR and the unlicensed 30 bore pistol has been planted upon him; that this is a case of a simple quarrel between two parties in which the applicant was injured and arrested,

however, police malafidely has converted it into the case of robbery, regarding which no evidence is available on the record.

4. On the other hand, learned DPG has opposed grant of bail to the applicant/accused and has submitted that applicant was arrested from the spot while committing robbery and from him an unlicensed weapon was recovered. During the investigation not only the complainant but one PW-2, Muhammad Kamran, who both are private persons have supported the prosecution case.

5. We have considered submissions of the parties and perused the material available on record. In our view there is *prima facie* sufficient evidence on record against the applicant that he is involved in the alleged crime. He was arrested from the spot after an encounter when police found him and his accomplices committing robbery from the complainant party. He was injured in the encounter and from him an unlicensed 30 bore pistol was recovered. The complainant and one PW-2 Muhammad Kamran have supported the incident against the applicant and the police officials, who were members of the police party, have also supported the case against the applicant in the 161 Cr.P.C. statement. There is no enmity between the applicant and the prosecution witnesses to raise any suspicion of his false implication in the case. In view of above, we do not find the applicant entitled to concession of bail at this stage. Accordingly, these bail are dismissed. However, we are hopeful the trial Court would expedite the trial and examine complainant and the private witnesses within three (03) months from today and thereafter the applicant would be at liberty to move a fresh bail application before the trial Court, which if filed, shall be decided on its own merits.

6. Bail applications stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

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

Cr. Bail Appl No.764 of 2018

Cr. Bail Appl No.765 of 2018

Date	Order with signature of Judge
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For hearing of Bail Application.

28.08.2018.

Mr. Muhammad Wakeeluddin, Advocate for the applicants
Mr. Ali Haider Salim, DPG

The applicant is seeking post arrest bail in a case bearing crime No.311/2015 U/s 353, 324, 34 PPC r/w 7 ATA 1997 and in Crime No. 312/2015, U/s 23-A(i) SAA R/w 7 ATA 1997, both FIRs registered with Police Station Iqbal Market, Karachi.

As per brief facts applicant was spotted on a motorcycle along with two other accomplices by the police of Police Station Iqbal Market, Karachi in suspicious condition near Cottage Industrial Area on 13.10.2015 at about 0040 hours. No sooner than that all the three accused engaged in an encounter with the police during which applicant received a firearm injury on his leg and was arrested along with one 9mm pistol, whereas, his two companions made their escape good. In view of the same, present two cases were registered against him. During the investigation, it was found that applicant was also involved in two murder cases. However, learned defence counsel during arguments has informed that in the said cases bearing Crime No.309/2015 and in Crime No.27/2015, both registered with Police Station Iqbal Market, Karachi, the applicant has been granted bail.

During the alleged encounter no police man was injured and only the allegations of making ineffective firing are attributed against the applicant. Insofar as recovery of alleged pistol from the applicant is concerned, the same was effected in presence of the witnesses, who are police officials, yet the prosecution has not been able to conclude the case against the applicant for the last three years i.e. 13.10.2015, the date of his arrest. Although the learned DPG has opposed grant of bail to the applicant but has not been able to controvert the above facts. We in the circumstances are of the view that the cases against the applicant require further inquiry in terms of Section 497(ii) Cr. P.C. and the applicant is entitled to bail. Consequently, these bail applications are allowed, and the applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.100,000/ (Rupees one hundred thousand only) in each case with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court.

The bail applications are disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.1042 of 2018

Date	Order with signature of Judge
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For hearing of Bail Application.

17.08.2018.

Mr. Muhammad Ayub, Advocate for Applicant
Mr. Ali Haider Salim, DPG

By this order, we dispose of this bail application, whereby applicant is seeking post arrest bail in case bearing crime No.229/2018, U/s 392, 353, 34 PPC, R/W 7 ATA, registered with Police Station Ferozabad, Karachi.

As per brief facts of the case, the applicant was arrested on **18.05.2018** along with his accomplice Muhammad Shoaib while committing the robbery from the complainant, opposite Rania Motors Show Room, Shahrah-e-Quaideen, Block2, PECHS, Karachi at about 2100 hours after an alleged encounter with the police. However, their third companion namely Muhammad Asghar allegedly escaped from the spot. During search the robbed articles were recovered from the accused besides an unlicensed pistol from each accused. Such memo was prepared and the accused were brought at Police Station, where different cases including the present one was registered against them.

Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that this is a case of ineffective firing in which no one has been injured; that no robbed articles were recovered from the applicant; that FSL report is contradictory viz.a.viz. the role of the applicant as such the case against him requires further inquiry. In support of his contentions, learned counsel has relied upon the case law reported in *2010 PLD SC 470 and 2018 SC SCMR 772*.

On the other hand, learned DPG has opposed grant of bail to the applicant on the grounds that applicant was arrested from the spot, the robbed articles were recovered from them and the FSL report in respect of the weapon recovered from the applicant is in positive. He further states that there is *prima facie* strong evidence against the applicant connecting him with the present offence.

We have considered submissions of the parties and perused the material available on record including the case law cited at the bar. We

are of the view that *prima facie*, the applicant appears to be connected with the offence of robbery as he along with his accomplice namely Muhammad Shoaib was arrested by the police from the spot and during their search the robbed articles were recovered from them. Such recovery was witnessed not only by the complainant but another private person namely Hafiz Mohammed Haris. Besides, the applicant was also found armed with an unlicensed weapon regarding which a separate case has been registered against him. We do not, *prima facie* find any contradiction in FSL report qua recovery from the applicant to give benefit thereof to him. As such the applicant is not entitled to the concession of bail. Accordingly, this bail application is dismissed. However, we direct the trial court to expedite the trial and examine the complainant and the private witness within three months, whereafter the applicant would be at liberty to move a fresh bail application before the trial Court, which if filed, shall be decided on its own merits.

6. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G

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J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.698 of 2018

Date	Order with signature of Judge
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Present:-

MR. Justice Muhammad Iqbal Kalhoro.
Mr. Justice Shamsuddin Abbasi.

For hearing of Bail Application.

10.08.2018.

Mr. Muhammad Latefuddin Pasha, Advocate for applicant
Mr. Ali Haider Salim, DPG

ORDER

MUHAMMAD IQBAL KALHORO J: By this order, we dispose of above bail application, whereby the applicant is seeking post arrest bail in case bearing

crime No.929/2010, U/s 302, 324, 353, 34, 427 PPC, R/W 7 ATA, , registered with Police Station Preedy, Karachi.

2. As per FIR this incident took place on **17.08.2018** at about 0005 hours in front of NJV School, M.A. Jinnah Road, Karachi within the jurisdiction of Police Station Preedy, whereby, two police men namely Muhammad Nawaz, who was driver and HC Jehangir were killed by unknown persons, however, in presence of the witnesses. In the investigation, applicant was arrested on **04.10.2011** and his identification parade was held on **11.10.2011**, wherein PW Muhammad Arif and PW Muhammad Nawab identified him to be the culprit of the incident. On the basis of such evidence he was referred to for the trial U/s 173 Cr. P.C.

3. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that his name is Syed Shakir Shah, whereas, in all the police papers he has been referred to as Raffay who is a different person and not the applicant. Learned Counsel has further argued that the identification parade of the applicant was not held properly and due legal formalities were not adhered to, therefore, identification parade has no value in the eyes of law. According to him, the applicant is behind bars for the last six years and still the trial has not been concluded as such he is entitled to bail. In support of his contentions, he has relied upon the case law reported in *2017 SCMR 114*, *2016 SCMR 18*, *2014 MLD 622 Lahore* and *2011 SCMR 537*.

4. On the other, learned DPG has opposed grant of bail to the applicant on the ground that he is the same person, whose name in all the police papers has been mentioned as Syed Shakir Shah @ Rafay and he has been identified by the prosecution witnesses not only in the identification parade but PW-22 Muhammad Arif in his evidence in the Court has identified him, therefore, there is no question of mis-identification parade of the applicant. He further submits that in the challan 25 witnesses have been cited and out of whom 22 witnesses have already been examined and the trial is at the verge of conclusion.

5. We have considered submissions of the parties and perused the material available on record. No doubt name of the applicant is not mentioned in the FIR but, subsequently after his arrest he was put to identification parade wherein PW Muhammad Arif and PW Muhammad Nawab picked him up as one of culprits of the incident in which two police men while performing their duty were killed. PW Muhammad Arif has been examined in the trial and he has supported the prosecution case and has identified the applicant. There is also no question of the applicant being the

wrong person, because in all the police papers he has been shown as Syed Shakir Shah @ Rafay. The trial is at the advance stage as out of 25, 22 witnesses have been examined. To exercise discretion in favour of the applicant at this stage would be against the dicta laid down in the case reported in 2011 SCMR 1332. There is *prima facie* sufficient evidence connecting the applicant with the offence. Learned counsel for the applicant during the arguments tried to refer to the cross examination of the witness but suffice it to say that while deciding the bail application, only tentative assessment is to be made, examining cross examination of the witnesses would amount to be a deeper appreciation of evidence, which is not permissible at bail stage. In view of foregoing, we are of the view that applicant is not entitled to the concession of bail as such his bail application is dismissed. However, since almost all the witnesses have been examined, we direct the trial court to expedite the trial and conclude it within a period of three (03) months hereof and submit such a compliance report through MIT-II of this Court.

6. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No. **1908** of 2017
Cr. Bail Appl No. **1960** of 2017

Date	Order with signature of Judge
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Present:-

Mr. Justice Muhammad Iqbal Kalhoro.

Mr. Justice Muhammad Karim Khan Agha.

For hearing of Bail Application.

12.04.2018.

Mr. Aamir Mansoob Qurshi, advocate for applicant in Cr. B.A. No.1908/2017

Mr4. Shaukat Hayat, Advocate for applicant in Cr. B.A. No.1960 of 2017

Mr. Ali Haider Saleem, Deputy Prosecutor General Sindh along with SSP Junaid Shaikh-CTD, PDSP Mehdi Hassan, PI Shahid Karim CTD and PI Sarfraz Ahmed CTD.

ORDER

MUHAMMAD IQBAL KALHORO J: The applicants who both are jail officials are seeking post arrest bail in a case bearing crime No.145/2017 U/s 119,

130, 201, 222 PPC r/w 7/11-N Anti-Terrorism Act ('ATA'), 1997 registered with Police Station CTD/OPS, Karachi.

2. The case of the prosecution as set out in the FIR registered on **11.09.2017** at 1600 hours is that on **18.06.2017**, the Law Enforcing Agencies conducted a search operation inside the Central Prison, Karachi and recovered huge quantity of contraband / prohibited items from the barracks of the jail which include anti Jamming Devices, Portable Memory Devices, 102 mobile phones, 449 Televisions, 163 LCDs, 45 Knives (Khanjars), Cash Rupees 3.55 Million, heroin and other items. The applicants and others jail officials being responsible under the law to prevent sneaking of these prohibited articles inside the jail failed to perform their duty and by doing so they facilitated the prisoners of banned terrorist groups to escape from the jail. This case after usual investigation has been challaned and is currently pending before the Anti-Terrorist Court-I, Karachi Division.

3. Learned defence counsel have argued that applicants are innocent and have been falsely implicated in this case; that the applicants are senior jail officials with unblemished service record; that at the time of alleged raid they were already in jail in respect of Crime No.149/2017, which pertains to jail breaking and escape of two terrorists from Central Jail, Karachi but subsequently in that case they have been granted bail by the trial court; that the alleged incident took place on **18.06.2017**, whereas the FIR was registered on **11.09.2017** after delay of about three (03) months regarding which no explanation has been furnished by the prosecution; that the list of recovered articles prepared on the date of incident viz. 18.06.2017 does not bear a mention of any banned/prohibited articles or the cash amount; that recovery memo of all the prohibited articles, was prepared on **20.12.2017** that is after more than five months of the incident and therefore the same is not reliable; that applicant Abdul Rehman Shaikh was transferred and posted at Central Jail Karachi on **12.05.2017**, whereas applicant Fahim Anwar was transferred and posted at Central Jail, Karachi in January, 2017, the prosecution has not collected any evidence to show that the alleged contraband / prohibited articles were transported inside the jail during the tenure of the present applicants.

4. On the other hand, learned DPG, who is assisted by officials of CTD including I.O. has opposed grant of bail to the applicants. He, however, has not denied that both the applicants are on bail in the main case baring Crime No.149/2017, which relates to jail breaking and escape of alleged two terrorists. It is also not disputed by him that the list / mushirnama of recovered articles, which was prepared on the day of incident viz.

18.06.2017, does not bear a mention of banned / prohibited articles or the amount of Rs.3.55 million; and that the memo of recovery of these articles, etc. was prepared on **20.12.2017**, which is after more than five months of the incident. Besides, there is a delay of almost three months in registration of FIR, regarding which no plausible explanation has been put forward by the prosecution. *Prima facie*, there is no evidence showing that all these contraband / prohibited articles, cash amount, etc. were transported inside the jail during the tenure of the applicants. This being the position, we are of the view that the case against the applicants requires further inquiry into their guilt and they are entitled to the concession of bail. Consequently, these bail applications are allowed and they are granted bail subject to their furnishing a solvent surety in the sum of Rs.10,00,000/ (Rupees one million only) each with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court, and in addition their names shall be placed in Exit Control List ('ECL') till the trial against them is concluded.

5. The bail applications are disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.528 of 2018

Date	Order with signature of Judge
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Present:-

Mr. Justice Muhammad Iqbal Kalhoro.

Mr. Justice Muhammad Karim Khan Agha.

For hearing of Bail Application.

28.05.2018.

Mr. Muhammad Hanif Qureshi, advocate for applicant
Mr. Ali Haider Saleem, DPG

ORDER

MUHAMMAD IQBAL KALHORO J: By this order, we dispose of above bail application, whereby applicant is seeking post arrest bail in a case bearing crime No.13/2018, U/s 385, 386, 34 PPC read with Section 7 of Anti-Terrorism Court ('ATA') Act, 1997, registered at Police Station, Yousuf Plaza, Karachi

2. It is alleged in the FIR that applicant along with his four (04) accomplices received bhatta of Rs.9,50,000/- from the complainant, who deals in the business of chicken, on account of getting his plot illegally

occupied vacated but which they failed to do so and afterwards again demanded a bhatta from him. The complainant then registered the FIR against them. During investigation the applicant along with his accomplices was arrested red-handed while receiving bhatta from complainant on 22.0.2.2018 and such extortion amount was recovered from him.

3. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that there are lacunas in the FIR and the prosecution story, which do not inspire confidence and make the case against the applicant to be one of further inquiry. In support of his arguments, he has relied upon the case law reported in *1999 Y L R 1753 and 2012 P Cr. L J 70*.

4. On the other hand, learned DPG has opposed grant of bail to the applicant on the ground that applicant is nominated in the FIR and there is no enmity between the complainant and the applicant to raise any suspicion of enmity between the parties; that the applicant was arrested on the spot and extortion money was recovered from him.

5. We have considered submissions of the parties and perused the material available on record, including case law cited at bar. In our view, there is sufficient material to connect the applicant with the commission of offence, he is nominated in the FIR with specific allegation of receiving Rs.9,50,000/- as bhatta from the complainant, who is a businessman. During investigation of the case he was again caught red-handed receiving bhatta from the complainant. Such pieces of evidence, *prima facie*, are sufficient to show nexus of the applicant with the commission of offence and there is no enmity between the parties to raise any suspicion of false implication of the applicant. We are of the view that the applicant at this stage is not entitled to concession of bail. Accordingly, this bail application is dismissed. However, we direct the trial court to expedite the trial and examine the material witnesses including complainant and mashirs of arrest and recovery within a period of three (03) months, whereafter the applicant would be at liberty to move a fresh bail application before the trial Court, which if filed, shall be decided on its own merits.

6. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
 Cr. Bail Appl No.252 of 2018

Date	Order with signature of Judge
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*Present:-**MR. Justice Muhammad Iqbal Kalhoro.**Mr. Justice Muhammad Karim Khan Agha.***For hearing of Bail Application.****22.05.2018.**

Mr. Muhammad Ibrahim Abro, Advocate for applicant
 Mr. Ali Haider Salim, DPG

ORDER

MUHAMMAD IQBAL KALHORO J: By this order, we dispose of above bail application, whereby the applicant is seeking post arrest bail in case bearing crime No.355/2017, U/s 353, 324, 34 PPC R/W Section 7 Anti-Terrorism Act (ATA), 1997, registered with Police Station Landhi, Karachi.

2. It is alleged in the FIR that police party of Police Station Landhi headed by SIP Kashif Barkat was on patrol duty during which they received a spy information regarding four (04) accused available at Khuramabad, Street No.6, Landhi, Karachi in suspicious condition. On such information, they reached the pointed place and tried to arrest the accused but they started firing at the police, which was responded by the police in which two accused received firm arm injuries on their legs. The police, however, succeeded in arresting three (03) accused including the applicant, whereas, their fourth companion made his escape good. From the applicant no weapon was recovered, however, from co-accused namely Arshad Ali and Muhammad Shahid a pistol each was recovered. Necessary formalities were completed and the applicants were brought at Police Station, where the relevant cases including the present one were registered against them.

3. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that the case against the applicant requires further inquiry because at the time of alleged incident he was not armed with any weapon, therefore, his participation in encounter with the police is a question, which will be determined by the trial court.

4. On the other hand, learned DPG has opposed grant of bail to the applicant but he has not been able to deny that applicant was not armed with any weapon at the time of incident and therefore, insofar as allegation u/s 324 PPC against him is concerned, it requires further inquiry into his guilt.

The question whether the applicant had shared common intention with the other accused, who had allegedly fired at the police, is to be determined in the trial. As for recovery of stolen motorcycles from the applicant is concerned, we have been informed that he is facing a separate trial in this respect. We, in these circumstances are of the view that the applicant has been able to make out a case for grant of bail. Accordingly, this bail application is allowed. The applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.100,000/ (Rupees one hundred thousand) with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court.

5. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
 Cr. Bail Appl Nos.478 of 2018
 Cr. Bail Appl No.479 of 2018

Date	Order with signature of Judge
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Present:-

MR. Justice Muhammad Iqbal Kalhoro J.
Mr. Justice Muhammad Karim Khan

Agha J.

For hearing of Bail Application.

15.05.2018.

Mr. Arshad Mehmood Advocate for the applicant.
 Mr. Ali Haider Saleem, DPG

ORDER

MUHAMMAD IQBAL KALHORO J: By this single order, we dispose of above captioned bail applications, whereby the applicant is seeking post arrest bail in case bearing crime No.399/2017, U/s 186, 353, 324, 427, 345 PPC r/w section 7 ATA and crime No.400/2017, U/s 23-(i)A Sindh Arms Act registered at P.S. Landhi Karachi.

2. It is alleged that a police party of P.S. Landhi headed by SIP Kashif Barkat was on patrol on 24.12.2017, during which they received information about two accused committing robbery from the people near main gate of Inhami ground Landhi No.1, Karachi. On such information the police party

reached the pointed place and saw the accused, who seeing the police started firing on the police party and in retaliation police also fired. Subsequently after an encounter, police arrested two accused including the applicant in injured condition, both of them having received bullet injuries on their legs. From them, it is alleged that a 30 bore unlicensed pistol, was recovered. In view of such recovery and the encounter with the police, both the accused were booked in two different cases.

3. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in this case; that he had gone missing before registration of FIR and such application was moved by the sister of the applicant to SHO P.S. Sachal on 12.12.2017, thereafter she had registered an FIR No.672/2017 u/s 365 PPC against unknown accused regarding abduction of the applicant and then she had also filed C.P.No.D-885/2017 before this court on 23.12.2017 against the law enforcement agencies on the allegations that they had taken away her brother(applicant) and only thereafter the present FIR on 24.12.2017 showing the applicant arrested in an encounter was registered; that in the alleged encounter no member of the police party was injured and it is the case of ineffective firing, therefore, applicant is entitled to the grant of bail.

4. On the other hand, learned DPG has opposed the grant of bail to the applicant/accused.

5. We have considered submissions of the parties and perused the material available on record. In our view this case is of ineffective firing where allegedly only two accused arrested were injured after having received bullet injuries on their legs. Before registration of instant FIR, registration of FIR against unknown accused disclosing missing/abduction of the applicant and filing of petition in the background of the ineffective firing attributed to the applicant requires further inquiry into the guilt of the accused. In these circumstances, we are of the view that the applicant is able to make out a case for grant of bail. Resultantly, we allow both the applications and grant bail to the applicant subject to his furnishing solvent surety in the sum of Rs.100,000/- in each case to the satisfaction of the trial court.

7. The bail applications are disposed of in the above terms.

Needless to mention here that the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

A.K.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
 Cr. Bail Appl No.252 of 2018

Date	Order with signature of Judge
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*Present:-**MR. Justice Muhammad Iqbal Kalhoro.**Mr. Justice Muhammad Karim Khan Agha.***For hearing of Bail Application.****22.05.2018.**

Mr. Muhammad Ibrahim Abro, Advocate for applicant
 Mr. Ali Haider Salim, DPG

ORDER

MUHAMMAD IQBAL KALHORO J: By this order, we dispose of above bail application, whereby the applicant is seeking post arrest bail in case bearing crime No.355/2017, U/s 353, 324, 34 PPC R/W Section 7 Anti-Terrorism Act (ATA), 1997, registered with Police Station Landhi, Karachi.

2. It is alleged in the FIR that police party of Police Station Landhi headed by SIP Kashif Barkat was on patrol duty during which they received a spy information regarding four (04) accused available at Khuramabad, Street No.6, Landhi, Karachi in suspicious condition. On such information, they reached the pointed place and tried to arrest the accused but they started firing at the police, which was responded by the police in which two accused received firm arm injuries on their legs. The police, however, succeeded in arresting three (03) accused including the applicant, whereas, their fourth companion made his escape good. From the applicant no weapon was recovered, however, from co-accused namely Arshad Ali and Muhammad Shahid a pistol each was recovered. Necessary formalities were completed and the applicants were brought at Police Station, where the relevant cases including the present one were registered against them.

3. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that the case against the applicant requires further inquiry because at the time of alleged incident he was not armed with any weapon, therefore, his participation in encounter with the police is a question, which will be determined by the trial court.

4. On the other hand, learned DPG has opposed grant of bail to the applicant but he has not been able to deny that applicant was not armed with any weapon at the time of incident and therefore, insofar as allegation u/s 324 PPC against him is concerned, it requires further inquiry into his guilt.

The question whether the applicant had shared common intention with the other accused, who had allegedly fired at the police, is to be determined in the trial. As for recovery of stolen motorcycles from the applicant is concerned, we have been informed that he is facing a separate trial in this respect. We, in these circumstances are of the view that the applicant has been able to make out a case for grant of bail. Accordingly, this bail application is allowed. The applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.100,000/ (Rupees one hundred thousand) with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court.

5. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
 Cr. Bail Appl Nos.478 of 2018
 Cr. Bail Appl No.479 of 2018

Date	Order with signature of Judge
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Present:-

MR. Justice Muhammad Iqbal Kalhoro J.
Mr. Justice Muhammad Karim Khan

Agha J.

For hearing of Bail Application.

15.05.2018.

Mr. Arshad Mehmood Advocate for the applicant.
 Mr. Ali Haider Saleem, DPG

ORDER

MUHAMMAD IQBAL KALHORO J: By this single order, we dispose of above captioned bail applications, whereby the applicant is seeking post arrest bail in case bearing crime No.399/2017, U/s 186, 353, 324, 427, 345 PPC r/w section 7 ATA and crime No.400/2017, U/s 23-(i)A Sindh Arms Act registered at P.S. Landhi Karachi.

2. It is alleged that a police party of P.S. Landhi headed by SIP Kashif Barkat was on patrol on 24.12.2017, during which they received information about two accused committing robbery from the people near main gate of Inhami ground Landhi No.1, Karachi. On such information the police party

reached the pointed place and saw the accused, who seeing the police started firing on the police party and in retaliation police also fired. Subsequently after an encounter, police arrested two accused including the applicant in injured condition, both of them having received bullet injuries on their legs. From them, it is alleged that a 30 bore unlicensed pistol, was recovered. In view of such recovery and the encounter with the police, both the accused were booked in two different cases.

3. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in this case; that he had gone missing before registration of FIR and such application was moved by the sister of the applicant to SHO P.S. Sachal on 12.12.2017, thereafter she had registered an FIR No.672/2017 u/s 365 PPC against unknown accused regarding abduction of the applicant and then she had also filed C.P.No.D-885/2017 before this court on 23.12.2017 against the law enforcement agencies on the allegations that they had taken away her brother(applicant) and only thereafter the present FIR on 24.12.2017 showing the applicant arrested in an encounter was registered; that in the alleged encounter no member of the police party was injured and it is the case of ineffective firing, therefore, applicant is entitled to the grant of bail.

4. On the other hand, learned DPG has opposed the grant of bail to the applicant/accused.

5. We have considered submissions of the parties and perused the material available on record. In our view this case is of ineffective firing where allegedly only two accused arrested were injured after having received bullet injuries on their legs. Before registration of instant FIR, registration of FIR against unknown accused disclosing missing/abduction of the applicant and filing of petition in the background of the ineffective firing attributed to the applicant requires further inquiry into the guilt of the accused. In these circumstances, we are of the view that the applicant is able to make out a case for grant of bail. Resultantly, we allow both the applications and grant bail to the applicant subject to his furnishing solvent surety in the sum of Rs.100,000/- in each case to the satisfaction of the trial court.

7. The bail applications are disposed of in the above terms.

Needless to mention here that the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

A.K.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl Nos.35, 36, 37 of 2018
Cr. Bail Appl Nos.132, 133 134 of 2018

Date	Order with signature of Judge
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Present:-*MR. Justice Muhammad Iqbal Kalhoro.**Mr. Justice Muhammad Karim Khan*Agha.**For hearing of Bail Application.****11.06.2018.**

Mr. Mukesh Kumar G. Karara, Advocate for the applicants in Cr. B.A. Nos.35, 36, 37 of 2018

Mr. Muhammad Farooq, advocate for the applicants in Cr. B.A. Nos. 132, 133, 134 of 2018

Mr. Ali Haider Salim, DPG

ORDER

MUHAMMAD IQBAL KALHORO J: By this single order, we dispose of above six bail applications, whereby the applicants are seeking post arrest bail in case bearing crime No.848/2015, U/s 353, 324, 427, 34, read with Section 7 ATA, 1997; in case bearing crime No.849/2015, U/s 23-I/A Sindh Arms Act in case bearing crime No.850/2015, U/s 23-I/A Sindh Arms Act; in case bearing crime No.851/2015, U/s 4/5 Explosive Act, 7 ATA, 1997; all the FIRs registered at Korangi Industrial Area (KIA), Karachi.

2. It is alleged in the FIR that on 03.12.2015 at 0300 hours PI/SIO Mohsin Hussain along with his staff in respect of investigation in crime No.179/2015 came with arrested accused namely Usman Mouzzam on Malir river near Saima Luxury Korangi, Karachi, where the aid accused pointed to a 'Hut' and revealed presence of his accomplices there. On such information police party started proceeding towards the said 'Hut' and when they reached close to the 'Hut', suddenly the accused from inside started firing on the police. Police in defence retaliated and after some time were able to arrest present applicants and recovered from them a pistol each besides ball bearing weighing around 25 kilograms, explosive material of 5 kilograms, Prima cord 3 meter, seven detonators, one Circuit, one IED Box. The applicants could not produce any justification or license of recovered arms ammunition; hence they were arrested and booked in the above stated FIRs.

3. Mr. Mukesh Kumar G. Karara and Mr. Muhammad Farooq, learned defence counsel have argued that applicants are innocent and have been falsely implicated in this case at the instance of Rangers, who had arrested the applicants prior to the FIR. Further explaining the said point Mr. Muhammad Farooq, for applicant Muhammad Siddiqui submitted that accused Usman Mouzzam had filed a C.P.No.D-3658/2015 against alleged detention of his son Saad Siddique by the Rangers officials and during pendency of which he and another Muhammad Siddiqui were taken away by the Rangers on 19/20th July, 2015 against which his wife namely Mst. Subohi Usman Moazzam had filed a C.P.No.D-4352/2015. In response of said petition, the Rangers had filed comments admitting that Usman Mouzzam was arrested u/s 11-EEEE ATA Act and detained in Central Prison, Karachi. According to the learned Counsel the detention period of Usman Mouzzam started from **28.08.2015** and ended on **26.11.2015** but on the same day i.e. **26.11.2015** he was shown arrested in FIR No.179/2015, u/s 212/216/21K11V-7ATA, and during interrogation of, which it is alleged, that on his pointation the applicants / accused were arrested. Learned defence counsel has submitted that these facts show that applicants were falsely implicated in these cases and the alleged arms and ammunition etc. were foisted upon them.

4. Mr. Mukesh Kumara G. Karara, who is appearing on behalf of the applicant Muhammad Ubaid-ur-Rehman argued that applicant was arrested from his house by the Rangers and thereafter his mother had sent an application to D.G. Rangers Sindh through TCS on **08.10.2015** requesting for a meeting with her son/applicant, which is prior to registration of the FIRs and would show that the applicant has been falsely implicated in this case. He further submitted that against alleged detention of the applicant Muhammad Ubaid-ur-Rehman, her mother had also filed a C.P.No.D-6456/2015. He has further submitted that the Investigating Officer (I.O.) has not properly conducted the investigation and has only believed the part of the story forwarded by the prosecution without attending to the defence version of the accused, and this has caused a serious prejudice to the applicants and on this ground the applicants would be entitled to grant of bail. He has relied upon the case laws reported in *S C M R 560, P Cr. LJ 742, S C M R 1085, P L D (SC) 241, M L D 1535, P Cr. LJ 683 and P Cr. L J 54.*

5. On the other, learned DPG has opposed grant of bail to the applicants.

6. We have considered submissions of the parties and perused the material available on record including the case laws cited at the bar. Although learned defence counsel have filed copies of constitution petitions

in these bail applications but except those petitions which were not disposed of in the terms establishing illegal detention of the applicants nothing is on record showing that applicants were arrested by the police or Rangers before registration of the FIRs to appreciate their contention in this connection. Insofar as the confinement of accused Usman Mouzzam is concerned, Rangers in response to the C.P.No.D-4352/2015 filed by his wife admitted his arrest U/s 11-EEEE and his detention and only after expiry of his detention period he was implicated in the FIR No.179/2015. We tentatively find nothing illegal in the whole procedure or it being beneficial to the applicants *qua* their bail plea, which is to be decided by only tentative assessment of the material on record. The arrest of the present applicant is shown only after the said Usman Mouzzam disclosed about them and after such disclosure when police tried to arrest the applicants they started firing in which although no one was injured but the record shows that one of the bullets had hit the police mobile regarding which the FSL in positive is also available on record. Besides, it is matter of record that huge cache of arms and ammunition etc. is alleged to have been recovered from possession of the applicants, which in the ordinary course cannot be believed to have been foisted by the police upon them. The applicants have not alleged any enmity against the complainant or the police officials to raise any suspicion about their implication in these cases. During the arguments, when we asked learned DPG as to why the trial has not been concluded for the last three and half years, he replied that the applicants are mainly to blame for that because their counsel either are not present in the court on the dates of hearings or seek adjournments despite presence of the witnesses. This fact has not been rebutted by the learned defence counsel. We in the aforesaid facts and circumstances and keeping in view the *prima facie* evidence against the applicants and keeping ourselves from indulging into a deep appreciation of the facts such as filing of the constitution petitions by the relatives of the applicants dismiss these bail applications. But at the same time as we have been informed that out of seven (07) witnesses two witnesses have already been examined, we direct the trial court to expedite the trial and conclude it within a period of two (02) months hereof and during which no adjournment shall be granted to the applicants or the prosecution on any ground.

7. The bail applications are disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No. **468** of 2018Cr. Bail Appl No. **469** of 2018Cr. Bail Appl No. **470** of 2018

Date	Order with signature of Judge
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*Present:-**MR. Justice Muhammad Iqbal Kalhoro.**Mr. Justice Muhammad Karim Khan**Agha.***For hearing of Bail Application.****08.05.2018.**

Mr. Muhammad Ayaz Khan, advocate for the applicants

Mr. Ali Haider Salim, DPG along with complainant.

ORDER

MUHAMMAD IQBAL KALHORO J: By this single order, we dispose of above three bail applications, whereby the applicants are seeking post arrest bail in case bearing crime No.334/2017, U/s 395, 353, 334 PPC read with Section 7 ATA, registered with Police Station Surjani Town, Karachi; in case bearing crime No.335/2017 and Crime No.336/2018, U/s 23(i) A SAA Sindh Arms Act, 2013 read with Section 7 ATA, registered with Police Station Surjani Town, Karachi.

2. As per FIR the applicants/accused were arrested on **18.08.2017** at about 04:30 hours from inside the house of the complainant situated in Surjani town, Karachi after committing robbery when on the neighbor's call alarmed by the commotion coming from the house of the complainant, the police arrived and exchanged fires with the accused. Resultantly the police recovered not only a pistol from each of the accused but the robbed articles, so also two stolen motorcycles on which they had come to the spot for committing the crime. However, their other accomplices went upstairs and escaped from there. All necessary formalities were completed and thereafter the applicants/accused were brought at the Police Station and booked in three FIRs.

3. Learned defence counsel has argued that applicants are innocent and have falsely been implicated in this case; that there are contradictions in the FIR in respect of the facts of the incident, which makes case against the applicants to be one of further inquiry; that the story narrated in the FIR even otherwise does not inspire confidence. Leaned counsel in support of his contentions has relied upon the case laws reported in *2008 M L D 242*, *2017 M L D 46* and *unreported order passed in Cr. B.A. No.1777 of 2017*.

4. On the other, learned DPG, who is assisted by the complainant has opposed grant of bail to the applicants on the ground that applicants were arrested from the spot alongwith robbed articles, which shows their involvement in the case.

5. We have considered submissions of the parties and perused the material available on record and the case laws cited at the bar. Applicants were arrested from inside the house of the complainant while committing robbery after an exchange of firing with the police and after their arrest not only robbed articles but two stolen motorcycles on which they had come to commit alleged robbery and an unlicensed pistol each were also recovered from them. These facts show *prima facie* involvement of the applicants in the offence and there is no enmity of the applicants with the police or the complainant to raise any suspicion of their false implication. The case laws relied upon by the learned defence counsel are based on distinguishable facts, therefore are not applicable. In view of this position the applicants are not entitled for grant of bail. Accordingly, we dismiss these bail applications. However, as we have been informed that trial court has already framed the charge; we direct the trial court to expeditiously hold the trial and conclude it preferably within a period of four months.

6. The bail applications are disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.1952 of 2017

Date	Order with signature of Judge
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Present:-

MR. Justice Muhammad Iqbal Kalhoro.

Mr. Justice Muhammad Karim Khan

Agha.

For hearing of Bail Application.

30.04.2018.

Mr. Salahuddin Khan Gandapur, advocate for applicant
Mr. Ali Haider Salim, DPG

ORDER

MUHAMMAD IQBAL KALHORO J: By this order, we dispose of above bail application, whereby the applicant is seeking post arrest bail in case bearing crime No.42/2014, U/s 324, 353, 34 R/W Section 7 Anti-Terrorism Act (ATA), 1997, registered with Police Station Aziz Bhatti, Karachi.

2. It is alleged in the FIR that applicant was arrested on **28.01.2014** at about 1550 hours along with co-accused Muhammad Owais after an encounter with the police of Police Station Aziz Bhatti headed by SIP Ghulam Shabbir Kharral in which both were allegedly injured and from both of them an unlicensed pistol each was recovered, as such in three different cases, the applicant and co-accused were booked. During the trial, pending before the learned District & Sessions Judge East, Karachi, the applicant was granted post-arrest bail vide order dated **27.02.2014**. However, subsequently the case was transferred to the learned ATC Court concerned, where the applicant was granted pre-arrest bail, which later on vide order dated **24.10.2017** was recalled and he was arrested.

3. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that in the alleged encounter no one from the police party was injured and even nothing is on record to show that private car the police party was traveling in was hit by any bullet fired by the applicant and co-accused. He has further stated that in the case of alleged recovery of pistol, the applicant has been granted bail by this court vide order dated **13.05.2014** in Cr. B.A. No.636 of 2014; that co-accused namely Muhammad Owais has died and due to that the case is still on the initial stage and even charge has not yet been framed.

4. On the other, learned DPG has opposed grant of bail to the applicant on the ground that applicant's name is mentioned in the FIR and from him an unlicensed pistol was recovered. However, learned DPG has not denied that applicant has been granted bail by this court in the case of recovery of weapon and that during an encounter no one from the police party was injured. We have also seen that the injuries mentioned in the FIR and the injuries shown in the medical certificate do not match with each other. Besides even the private car police party was travelling in did not receive any bullet mark. Therefore, we find the case against the applicant requires further inquiry into his guilt and he is entitled to the concession of bail. Consequently, this bail application is allowed, the applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.500,000/ (Rupees five hundred thousand) with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court. However, the trial court is directed to expedite the trial and conclude it within a period of three (03) months hereof and submit such compliance report through MIT-II of this Court.

5. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No. **568** of 2018

Date	Order with signature of Judge
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Present:-

Mr. Justice Muhammad Iqbal Kalhoro.
Mr. Justice Muhammad Karim Khan

Agha.

For hearing of Bail Application.

27.04.2018.

Mr. Shahab Osto, advocate for applicant
Mr. Ali Haider Saleem, Deputy Prosecutor General Sindh along with
SSP Junaid Shaikh-CTD, PI Shahid Karim, PI Sarfraz Ahmed CTD

ORDER

MUHAMMAD IQBAL KALHORO J: The applicant who is Superintendent Jail is seeking post arrest bail in a case bearing crime No.145/2017 U/s 119, 130, 201, 222 PPC r/w 7/11-N Anti-Terrorism Act ('ATA'), 1997 registered with Police Station CTD/OPS, Karachi.

2. The case of the prosecution as set out in the FIR registered on **11.09.2017** at 1600 hours is that on **18.06.2017**, the Law Enforcing Agencies conducted a search operation inside the Central Prison, Karachi and recovered huge quantity of contraband / prohibited items from the barracks of the jail which include anti Jamming Devices, Portable Memory Devices, 102 mobile phones, 449 Televisions, 163 LCDs, 45 Knives (Khanjars), Cash Rupees 3.55 Million, heroin and other items. The applicants and others jail officials being responsible under the law to prevent sneaking of these prohibited articles inside the jail failed to perform their duty and by doing so they facilitated the prisoners of banned terrorist groups to escape from the jail. This case after usual investigation has been challaned and is currently pending before the Anti-Terrorist Court-I, Karachi Division.

3. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that rule of consistency is applicable in the case of the applicant as previously similarly placed co-accused namely Faheem Anwar and Abdul Rehman Shaikh have been granted bail by this Court vide order dated **12.04.2018** in Cr. B.A. No.1960/2017 and Cr. B.A. No.1908/2017; that in fact search of the jail was conducted on the letter of

the applicant dated **03.06.2017**, which shows intention of the applicant to cleanse the jail from illegal items; and that had he been involved, he would have never asked for search operation in the jail; that applicant was posted in the said jail on **10.05.2017** and was removed on **14.06.2017** in almost one month's period, the prosecution has no evidence that all alleged items were shipped in the jail during that period so as to establish nexus of the applicant with such activity; that applicant has already been granted bail in the main case of jail breaking bearing Crime No.149/2017 and another case bearing Crime No.157/2017 that pertains to hindering and hampering of the fair investigation, he has been exonerated in the investigation. Learned counsel also states that the FIR is delayed for about three (03) months without any plausible explanation and the memo of alleged recovered articles was prepared on **20.12.2017** after more than five (05) months of the incident. He pleaded that the said circumstances show that the case against the applicant requires further inquiry.

4. On the other hand, learned DPG has opposed grant of bail to the applicant. SSP CTD, who remained supervising Investigating Officer ('IO') of the case with the leave addressed the court but could not convince us as to why FIR was registered after almost delay of three (03) months and why the list which was prepared on the day of incident dated **18.06.2017** does not bear a mention of banned/prohibited articles and why the recovery memo was prepared after five (05) months of the incident. The said SSP mainly pleaded his weakness in the sense that the accused were influential and despite their efforts, they did not allow them access to jail to further collect evidence, and therefore some loopholes in the investigation.

5. Co-accused namely Faheem Anwar and Abdul Rehman Shaikh against whom similar allegations have been leveled by the prosecution have been granted bail by this Court vide order dated **12.04.2018** in Cr. B.A. No.1960/2017 and Cr. B.A. No.1908/2017. The case of the applicant is on the same footing and therefore the rule of consistency is applicable on his case. Additionally, it may be observed that prosecution has not pointed out to any evidence showing that the alleged banned articles were shipped during the tenure of one month when the applicant was posted in the jail. In the main case bearing crime No.149/2017, the applicant has already been granted bail by the trial Court and in the case bearing Crime No.157/2017 lodged against the applicant on the allegation of hindering investigation of the case, he has been exonerated during investigation. In the circumstances, we are of the view that applicant has been able to make out the case for grant of bail. Consequently, this bail application is allowed and he is granted bail subject to their furnishing a solvent surety in the sum of Rs.10,00,000/ (Rupees one million only) with P.R. bonds in the like amount to be executed

to the satisfaction of the trial Court, and in addition their names shall be placed in Exit Control List ('ECL') till the trial against them is concluded.

6. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.99 of 2018
Cr. Bail Appl No.100/2018

Date	Order with signature of Judge
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Present:-

MR. Justice Muhammad Iqbal Kalhoro.
Mr. Justice Muhammad Karim Khan

Agha.

For hearing of Bail Application.

25.04.2018.

Syed Lal Hussain Shah, Advocate for the applicant
Mr. Ali Haider Salim, DPG

ORDER

MUHAMMAD IQBAL KALHORO J: By this single order, we dispose of above two bail applications, whereby the applicant is seeking post arrest bail in case bearing crime No.498 of 2017, U/s 353, 324, 34 PPC read with Section 7 ATA, registered with Police Station Gulshan-e-Iqbal, Karachi and in case bearing crime No.500 of 2017, U/s 23(i)A Sindh Arms Act, 2013 read with Section 7 ATA, registered with Police Station Gulshan-e-Iqbal, Karachi.

2. It is alleged in the FIR that the applicant after an encounter with the police during which he received a bullet injury on his lower leg was arrested along with co-accused namely Aqib Baloch by the police party headed by complainant ASI Rashid Jamal on **18.11.2017 at** 0235 hours and from him one pistol loaded with magazine was recovered. Resultantly, the applicant and co-accused were booked in three (03) separate cases, the present one and two (02) other for recovery of alleged weapons from them respectively.

3. Learned defence counsel has argued that applicant has been booked in false cases; that the allegation of encounter requires further inquiry as no one from the police party was injured. According to him, this is infamous case of "**half fry**", where the applicant was arrested before date of incident and subsequently injured by the police and booked in this case. He has further

informed that applicant is still admitted in the hospital due to injury in his leg and is in critical condition.

4. On the other, learned DPG has opposed grant of bail to the applicant.

5. We have considered submissions of the parties and perused the material available on record. The main allegation against the applicant is that while he was being chased by the police, he fired at the police and in retaliatory firing was injured. Admittedly, no one from the police party was injured and record does not show that even the police mobile in which police party was traveling was hit by any bullet fired by the applicant and co-accused. This case being of ineffective firing coupled with the fact that applicant was hit at lower part of his leg, which injury has exacerbated and he is still in hospital, we are of the view that it requires further inquiry into his guilt and he is entitled to the concession of bail. Consequently, the these bail applications are allowed and he is granted bail subject to his furnishing a solvent surety in the sum of Rs.100,000/ (Rupees one hundred thousand) in each case with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court.

6. The bail applications are disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.1985 of 2017

Date	Order with signature of Judge
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Present:-

Mr. Justice Muhammad Iqbal Kalhoro.

Mr. Justice Muhammad Karim Khan Agha.

For hearing of Bail Application.

10.04.2018.

Mr. Mehmood-ul-Hassan, advocate for applicant

Mr. Ali Haider Saleem, Deputy Prosecutor General Sindh

ORDER

MUHAMMAD IQBAL KALHORO J: By this order we dispose of above bail application, whereby the applicant is seeking post arrest bail in a case

bearing crime No.239 of 2012 U/s 302, 34 PPC, registered with Police Station Sharafi Goth, Karachi.

2. It is alleged that applicant along with his other accomplices, three (03) of whom are nominated in the FIR while riding on two motorcycles and a car came on main Korangi Industrial Road, near Attock Petrol Pump, Karachi on **29.11.2012** at about 1245 hours and committed murder of four (04) persons who were travelling in a taxi car. The FIR of incident was registered on the same date at about 2010 hours.

3. Learned defence counsel has argued that during investigation no evidence was found against the applicant and other accused as such the Investigating Officer after noting all the necessary details disposed of the case under 'A' class. But the learned trial Court did not agree to it and took cognizance of the case against all the accused. According to him, the case against the applicant in view of such a report requires further enquiry and that the applicant has been implicated in this case out of malafide and due to political rivalry between two groups of MQM. He has next argued that investigation report shows that all empties which were recovered from the place of incident were fired from one and same pistol; that the evidence of witnesses have been recorded and they have contradicted each other on material facts of case. Learned defence counsel has further argued that even at bail stage benefit of doubt, if there is any, can be extended to the accused. In support of his contentions, he has relied upon the case laws reported in *P L D 1968 SC 349, 1995 S C M R 127 and P L D 1995 SC 34*.

4. On the other hand, learned Deputy Prosecutor General Sindh has opposed grant of bail to the applicant and has further argued that in all seven (07) witnesses have been examined in the trial out of whom three (03) witnesses including the complainant have identified the applicant and have assigned him a specific role of firing at the deceased.

5. We have considered submissions of the parties and perused the material available on record including the case laws cited at bar. Applicant is nominated in the FIR with a specific role of firing at the deceased. The investigation report declaring the applicant and other accused innocent was not agreed by the trial court and it after taking cognizance has examined seven (07) witnesses out of whom three (03) witnesses who are said to be eye witnesses have deposed against the applicant. Their evidence furnishes sufficient material to connect the applicant *prima facie* with the present crime and offence. Learned defence counsel has tried to refer to the report of I.O. disposing of the case in support of his case for bail to the applicant but has admitted that against the order of trial court disagreeing with the report and

taking cognizance, the applicant did not file any appeal etc. Learned defence counsel has also tried to point out to some alleged contradictions in the evidence of the witnesses to show that case against the applicant is one of further enquiry; but suffice it to say that while deciding the bail application only tentative assessment of the evidence available on record is to be made any recourse to the facts in cross examination would amount to deeper appreciation of evidence which is not permissible at bail stage.

6. In presence of material as discussed above, we are of the view that applicant is not entitled to concession of bail as such the bail application in hand is dismissed. However, at the same time it must be observed that as the trial is already in progress and the seven (07) witnesses have been examined, therefore, we direct the trial Court to conclude the same within a period of three months hereof, and submit such compliance report through Member Inspection Team-II ('MIT-II') of this Court. The applicant, however, after such period would be entitled to repeat his bail application before the trial Court, which, if filed, shall be decided on its own merits.

7. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
 Cr. Bail Appl No. **1680** of 2017
 Cr. Bail Appl No. **1635/2017**
 Cr. Bail Appl No. **08/2018**

Date	Order with signature of Judge
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Present:-

MR. Justice Muhammad Iqbal Kalhoro.
Mr. Justice Muhammad Karim Khan

Agha.

For hearing of Bail Application.

22.03.2018.

Mr. Salahuddin Chandio, Advocate for the applicant in Cr. B.A.
 No.1680/2017
 Mr. Qamar Ahmed Shaikh, Advocate for applicant in Cr. B.A.
 No.1635/2017
 Mr. Zulfiqar Ali Langha, advocate for the applicant in Cr. B.A.
 No.08/2018

Ms. Rahat Ahsan, Addl. PG. along with Ashraf Nizamani,
Complainant/DIG Jail, DSP Zahir Hussain CTD and DSP Waqar Shah
CTD.

ORDER

MUHAMMAD IQBAL KALHORO J: By this single order, we dispose of above three bail applications, whereby the applicants are seeking post arrest bail in case bearing crime No.149/2017 U/s 223, 224, 225, 225-A PPC read with Section 7 ATA, registered with Police Station New Town, Karachi.

2. As per facts, the instant FIR was registered on a letter by Deputy Inspector General of Prisons at Karachi on **14.06.2017** disclosing escape of two Under Trial Prisoners ('UTPs') namely Shaikh Muhammad Mumtaz alias Firoon and Muhammad Ahmed alias Munna from Judicial Complex situated adjacent to Central Prison Karachi on **13.06.2017** during court hours allegedly due to negligence of jail officials including the applicants.

3. Regarding role of applicant Nadir Hussain in Cr. B.A. No.1680/2017, learned Addl: P.G. and I.O. have informed that he was deployed as Security Guard at Judicial Complex, where from the said UTPs escaped. He was required to coordinate and hand over custody of UTPs after proper checking and counting them, but he did not do so and although the two UTPs were missing but he deliberately did not inform about them and kept mum, which indicates his active connivance in the whole episode.

4. Regarding role of Atta Muhammad, applicant in Cr. B.A. No.1635/2017, it has been disclosed by the learned Addl: P.G and I.O. that he was posted at barrack No.25 and not at the barrack No.26 where the said UTPs were confined but yet he took them out of the barrack and brought them at Judicial Complex although their case was not fixed on that particular date. After court hours he brought all the UTPs from the Judicial Complex whose cases were fixed except the escapees and he did not inform about them till this fact was discovered on the next day, which shows that he was in active connivance with the escapees.

5. Regarding the role of Salik Ayaz Shaikh, applicant in Cr. B.A. No.08/2018, who was posted as Assistant Superintendent Judicial, it has been admitted by the I.O. that he was not on duty at the relevant time viz. court hours on **13.06.2017** but had come to resume his duty in the evening at about 08:00 p.m. when already the incident had taken place. Describing further details I.O. has stated that on the next date when the said official signed the relevant register showing all the UTPs present inside jail, he was required to physically count them before marking his signature on the register.

6. Learned defence counsel have mainly argued that applicants are innocent and have been falsely implicated in this case; that there is no sufficient evidence against them and the role attributed to them by the prosecution requires further inquiry.

7. On the other, learned Addl: P.G. assigned by I.O. of the case have opposed grant of bail to the applicants and have further informed that charge has been framed and the case is posted for trial in the Court on 30th of this month, when all material witnesses would be produced.

8. We have considered submissions of the parties and perused the material available on record. We are of the humble view that there is prima facie evidence against applicant Nadir, who on the relevant date and time was deployed as Security guard in the Judicial Complex, wherefrom two UTPs, who are alleged to be hardened criminals involved in so many serious criminal cases, escaped. He did not inform of this fact to anyone. Non-disclosure of such fact by him about the escape of said UTPs from jail till this fact was discovered on its own on the next date prima facie points to his connivance in the episode. The role of Atta Muhammad, who was not posted in the relevant barrack, where the said UTPs were found, but yet he took them out and brought them to the Judicial Complex without their case fixed before any Court there on the relevant day cannot be ignored. And any other question to determine the facts relating to his deployment in a different barrack on the relevant day and his acting under the orders of his superiors for taking out the alleged escapees from other barrack as argued by learned Counsel would require deeper appreciation of evidence, which cannot be done at bail stage. The prosecution has collected the material in the shape of statements of PWs under Section 161 Cr. P.C. to the effect that it was his duty to check locking and unlocking of the prisoners and count them but he did not do so and did not inform about missing of two UTPs. Therefore, prima facie there is sufficient evidence to connect him with the present crime and offence.

9. Regarding, applicant Salik Ayaz Shaikh, it has been admitted that on the relevant time he was not on duty but assumed his duty at 08:00 p.m. in the evening. The only allegation against him is that he negligently signed the relevant register showing presence of all the prisoners inside the jail without verifying physically the said fact and counting them. The said applicant may have remained negligent in performing his duty but the possibility of him being actively involved in the escape of UTPs requires further inquiry, as there is no material available on record in this regard.

10. Consequently, we grant bail to the applicant Salik Ayaz Shaikh in Cr. B.A. No.08/2018 subject to his furnishing a solvent surety in the sum of Rs.1,00,000/ (Rupees one hundred thousand only) with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court, whereas, we dismiss the bail applications of applicants Nadir Hussain in Cr. B.A. No.1680/2017 and Cr. B.A. No.1635/2017. But before parting with this order, we must observe that since the charge has been framed and the trial has commenced, the trial Court shall examine the material witness including I.O. and complainant within a period of two (02) months hereof, where after the applicants would be at liberty to move a fresh bail application before the trial court, which if filed, shall be decided on its own merits.

11. The bail applications are disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.277 of 2018
Cr. Bail Appl No.278 of 2018

Date	Order with signature of Judge
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Present:-

Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Muhammad Karim Khan Agha

For hearing of Bail Application.

03.04.2018.

Mr. Idress Ahmed, Advocate for applicant
Mr. Ali Haider Salim, DPG

ORDER

MUHAMMAD IQBAL KALHORO J: By this single order, we dispose of above two bail applications, whereby the applicant is seeking post arrest bail in a case bearing crime No.10 of 2017 U/s 353, 324, 392, 34 PPC read with Section 7 of Anti-Terrorism Court ('ATA') Act, 1997, registered at Police Station, North Nazimabad, Karachi; and a case bearing crime No.19 of 2017, U/s 353, 324 PPC read with Section 7 ATA, registered at Police Station Shahrah-e-Noor Jehan, Karachi.

2. It is alleged that applicant along with his other accomplices three of whom are nominated in the FIR while riding on a motorcycle and a car came on main Korangi Industrial Area Road near Attock Petrol Pump, Karachi and committed murder of four (04) persons on **29.11.2012** at about 1245 hours. The FIR of which was lodged on the same date at about 2010 hours.

3. Learned defence counsel has argued that during the investigation no evidence was found against the applicant and other accused as such the Investigating Officer ('I.O.') after recording of the details disposed of the case under 'A' class. However, learned trial Court did not agree to the opinion of the I.O. and took cognizance of the case. He has further argued that case against the applicant in view of such report of disposal of the case requires further enquiry; that the applicant has been implicated in this case out of malafide and due to political rivalry between two (02) groups of MQM; that the investigation report shows that all the empties which were recovered from the place of incident were fired from one pistol; that the evidence of witnesses have been recorded and they have contradicted to each other on material facts of the case. Learned counsel has further argued that even on bail stage it is well established principal of law that benefit of doubt if there is any is to be extended to the accused. In support of his contention, he has relied upon the case law reported in *1995 S C M R 127, P L D 1995 SC 34 and P L D 1968 SC 349*.

4. On the other hand, learned Deputy Prosecutor General has opposed grant of bail to the applicant.

5. We have considered submissions of the parties and perused the material available on record. Admittedly, the applicant was not arrested from the spot after alleged robbery and the encounter as is mentioned in FIR bearing Crime No.10/2017 lodged at Police Station North Nazimabad. His arrest has been shown by the police of Police Station Shahrah-e-Noor Jehan after yet another encounter on the same date i.e. **27.01.2018**. In both the police encounters none from the police party was injured and nothing is on the record to show that even the police mobiles were hit by any bullet. After arrest of the applicant, Investigating Officer ('I.O.') did not arrange for

identification parade of the applicant to get him identified by the complainant namely Muhammad Wasi and witness namely Adeb Rizvi (FIR No.10/2017), who were allegedly robbed by him. Therefore, his involvement in the said case requires further enquiry. Insofar as the FIR bearing Crime No.19/2017 is concerned, we have noted that although the applicant is shown to have been injured in the said incident but no one from police party got any scratch. In the circumstances, we are of the view that the involvement of the applicant in the said FIR also requires further enquiry. Accordingly, these bail applications are allowed and the applicant is granted bail in both the said cases subject to his furnishing a solvent surety in the sum of Rs.1,00,000/ (Rupees one hundred thousand only) in each case with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court.

6. The bail applications are disposed of in the above terms. The findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.1139 of 2017

Date	Order with signature of Judge
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Present:-

Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Muhammad Karim Khan Agha

For hearing of Bail Application.

05.04.2018.

Mr. Muhammad Ali Warsi, Advocate for applicant
Mr. Muhammad Sharif Qureshi, Advocate for complainant
Mr. Abar Ali Khichi, DPG along with I.O. Hameed, presently posted at
P.S. Shahr-e-Faisal, Karachi

ORDER

MUHAMMAD IQBAL KALHORO J: By this order, we dispose of above bail application, whereby the applicant is seeking post arrest bail in a case bearing crime No.305/2016, U/s 302, 109, 34 PPC read with Section 7 of Anti-Terrorism Court ('ATA') Act, 1997, registered at Police Station, Sachal, District Malir, Karachi

2. As per brief facts this incident took place on **06.06.2016** at about 1530 hours in a Wine Shop situated near Paradise Arcade, Abu-ul-Asfhani, Main Road, Karachi, when allegedly two unknown accused persons riding on a

motorcycle entered the said shop and committed murder of three persons namely Muhammad Zahid, Heera Lal, and Tara Chand. The FIR of the said incident was registered on the same day by the complainant at about 1530 hours. Subsequently, the applicant was arrested on **15.12.2016** in some other case and was interrogated, during which he allegedly made admission of his involvement in the present case. On the basis of this piece of evidence and allegedly on the statement of main accused who was also arrested subsequently and got identified through an identification parade, he was made accused in the present case and a challan against him was submitted.

3. Learned defence counsel has mainly argued that applicant is innocent and has been falsely implicated in this case; that there is no material available against him on record; that only piece of evidence against him is his alleged admission of guilt before the police officials and statement of co-accused, which have no value in the eyes of law; that these both pieces of evidence are weakest type of evidence and cannot be relied upon therefore his case calls for further enquiry.

4. On the other hand, learned counsel for the complainant and Deputy Prosecutor General have opposed grant of bail to the applicant. Learned counsel for the complainant has further argued that the admission of the accused before the police officials is admissible because it was made by him before the police officials concerned with some different case than the present one..

5. We have considered submissions of the parties and perused the material available on record. Admittedly, the FIR was registered against the unknown accused but later on the applicant was arrested in some other case and he allegedly made a confession of his guilt in the present case before the police officials. Additionally, it is alleged that co-accused who has been assigned the main role of firing has taken his name in his statement as his accomplice in the present offence. Apart from the above, the value of which in law has yet to be determined in the trial, there is no material showing involvement of the applicant in the commission of the present offence. We therefore are of the view that the case of the applicant requires further enquiry. Further Learned DPG has admitted that no criminal record of the accused is available. In such circumstances, we allow this bail application and grant bail to the applicant subject to his furnishing a solvent surety in the sum of Rs.2,00,000/ (Rupees two hundred thousand only) with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court. However, trial Court is directed to expedite the trial and complete it within a period of six (06) months hereof.

6. The bail application is disposed of in the above terms. The findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
 Cr. Bail Appl No.56 of 2018
 Cr. Bail Appl No.190 of 2018

Date	Order with signature of Judge
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Present:-

Mr. Justice Muhammad Iqbal Kalhoro.
Mr. Justice Muhammad Karim Khan Agha.

For hearing of Bail Application.

02.04.2018.

Mr. Muhammad Akbar Khan, advocate for applicant
 Mr. Ali Haider Salim, DPG

ORDER

MUHAMMAD IQBAL KALHORO J: By this single order, we dispose of above two bail applications, whereby the applicant is seeking post arrest bail in a case bearing crime No.231 of 2017 U/s 365-A, 34 PPC read with Section 7 of ATA, 1997; and a case bearing crime No.236 if 2017, U/s 23-A(i) Sindh Arms Ordinance, 1997, both registered with Police Station Shahra-e-Faial, Karachi.

2. This FIR was registered after a letter regarding abduction of an Iranian national, Majid against ransom written by Iranian Embassy was forwarded to the police. Consequent to it, a raid at Flat No.501-B, Saima Square, 5th Floor, Block No.10/A, Gulshan-e-Iqbal, Karachi was conducted during which not only the said abductee namely Majid but also three (03) other foreigner abductees namely Charles, Francis and Mark Madho, who were Nigerian nationals, were also recovered. The applicant and other four accused, who are shown in the FIR to be available in the said flat duly armed with weapons, were arrested. From the applicant, a 222 rifle along with 11 live rounds was allegedly recovered. Pursuant to it, the present case and separate cases under Section 23(1) Sindh Arms Act, 2013 were registered against the applicant and co-accused.

3. Learned defence counsel has mainly argued that applicant is innocent and has been falsely implicated in this case; that the applicant had earlier filed Cr. B.A. Nos.1132/2017 and 1210 of 2017, which were disposed of vide order dated **06.10.2017** with directions to the trial Court to examine the abductees within a period of 45 days but since the trial Court could not do so in stipulated time, he has filed the present bail applications. In these cases also, vide order dated **07.03.2018**, fifteen (15) days' further time was given for recording evidence of the said abductees but even up-till now the abductees have not been examined by the trial court; that during the investigation 164 Cr. P.C. statements of the abductees were recorded but they have not specifically implicated the accused; that in the trial the evidence of police officials has been recorded but they have not specifically involved the accused either. Learned defence counsel has further argued that applicant is 78 years of age and is ill and has been falsely implicated in the present case, therefore, he is entitled to grant of bail.

4. On the other hand, learned Deputy Prosecutor General has opposed grant of bail to the applicant on the ground that he was arrested from the spot along with the abductees and from him a 222 rifle with 11 live rounds was recovered, which, *prima facie*, connects him with commission of present offences.

5. We have considered submissions of the parties and perused the material available on record. As to previous directions, it may be mentioned that we have noticed that all the four abductees are foreigners and are no more available in the country. And after alleged experience as reported above they are less likely to return to this country for giving evidence. While giving the directions for recording their evidence previously, this Court did not consider this fact in its true context particularly with a reference to their being not available in this country and that the trial can be concluded minus the evidence of abductees in the peculiar circumstances of the present case. Be that as it may, we have seen that there is *prima facie* material against the applicant. He is nominated in the FIR and was arrested from the spot, where alleged abductees were found confined and from him a 222 rifle along with 11 live rounds was recovered. These facts connect the applicant with the commission of the alleged offence and in presence of such material, we do not consider the applicant entitled to the concession of bail just because the previous directions to expedite the trial have not been complied with. Consequently, these bail applications are dismissed, however, we direct the trial court to record evidence of the remaining material witnesses expeditiously and conclude the trial within a period of two (02) months and submit such compliance report. During that period the I.O. must make efforts for producing the abductees before the trial Court.

6. The bail applications are disposed of in the above terms. The findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.932 of 2017

Date	Order with signature of Judge
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Present:-

Mr. Justice Muhammad Iqbal Kalhoro.

Mr. Justice Muhammad Karim Khan Agha.

For hearing of Bail Application.

28.03.2018.

Mr. Asadullah Memon, advocate for applicant

Mr. Ali Haider Saleem, DPG along with I.O. Banhal Shah

ORDER

MUHAMMAD IQBAL KALHORO J: By this order, we intend to dispose of above bail application, whereby the applicant is seeking post arrest bail in a case bearing crime No.56 of 2011, U/s 353, 186, 302, 395, 34 PPC, R/w Section 7 Anti-Terrorism Act, ('ATA') 1997, registered with Police Station Mubina Town, Karachi.

2. On **26.02.2011** at about 2030 hours, SHO/Inspector, Abdul Sattar Phul was communicated information about a clash between two (02) political groups **viz.** MQM and ANP in Quaid-e-Azam Colony, near Government School opposite Gali No.05 & 06, Block 4/A, Gulshan-e-Iqbal, Karachi. Pursuant to it, he along with his staff reached the pointed place and identified some of the accused present there, who were dully armed with the weapons and were exchanging firing against each other. Police party tried to intervene but the accused instead fired at the police party. Resultantly, HC Syed Zahir Hussain and PC Maqsood Masih were killed. The police was not able to arrest anyone from the spot but subsequently, some of the accused were arrested and they have been granted bail by the trial Court. The bail application of the present applicant was rejected by the trial Court on the ground that he has remained fugitive from law and was declared absconder. We have seen that other accused, who were granted bail were also absconders and after a considerable time were arrested. However, in order to rebut the argument of absconsion, the learned Counsel has stated that the

applicant was arrested in 2013 in FIR No.53 of 2013, U/s 384, 385, 386 PPC, registered at Police Station Mubina Town, Karachi, and was continuously in jail but malafidely his arrest was not communicated to the trial Court; and that his absence was not deliberate but he was in custody in some other matter.

3. On the other hand, learned DPG has opposed grant of bail to the applicant on the ground that his name is mentioned in the FIR and he remained fugitive from law. In rebuttal, the learned defence counsel has relied upon the case of *Mitho Pitafi vs. The State reported in 2009 SCMR 299* wherein the Honourable Supreme Court has held that if the accused is otherwise entitled to bail on merits, his bail cannot be withheld merely on the ground that he has remained absconder.

4. In our view, the case of the applicant is on the same footings to that of the co-accused namely Bakhat Alam, whose name is mentioned in the FIR and yet he has been granted bail by the trial Court. In the FIR, the names of 17 accused including the applicant have been mentioned but no specific role has been attributed to any one of them; and as argued some of them have been granted bail. Therefore, the rule of consistency seems attracted to the case of the applicant. It may be mentioned that on the last date of hearing, we called a progress report from the trial Court, which has been received, it shows that despite coercive efforts, the complainant and PWs are not appearing in the Court for giving their evidence and, therefore, NBWs have been issued against them. We in the circumstances of the view that applicant has been able to make out a case for grant of bail.

5. Accordingly, this bail application is allowed and the applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.1,00,000/ (Rupees one hundred thousand only) with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court.

6. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.1804 of 2017

Date	Order with signature of Judge
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Present:-

Mr. Justice Muhammad Iqbal Kalhoro.
Mr. Justice Muhammad Karim Khan Agha.

For hearing of Bail Application.

26.03.2018.

Mr. Atiq-ur-Rehman Massan, advocate for applicant
Mr. Abdul Wasey Khan Kakar, Deputy Attorney General

ORDER

MUHAMMAD IQBAL KALHORO J: By this single order, we dispose of above bail application, whereby the applicant is seeking post arrest bail in a case bearing crime No.11 of 2017 U/s 409, 420, 109, 34 PPC, registered with Police Station FIA C.B.C. Karachi.

2. Applicant is alleged to be Grade-III Officer working in National Bank of Pakistan ('NBP'), Clifton Branch NDFC, Karachi (South) since 2015. In a day to day checking, serious discrepancies on account of misappropriation / embezzlement of public funds in different GL Heads of the branch were found. An enquiry into the same was conducted and it was found that all the illegal transactions from GL accounts were made through ID of the applicant. When those findings were confronted to the applicant he is alleged to have admitted the same. It was also found that by using his ID the applicant had transferred the public funds to the tune of more than Rs.12,000,976/- fraudulently to the account of co-accused namely Muhammad Asif, who had withdrawn the same and misappropriated.

3. Learned defence counsel has mainly argued that applicant is innocent and has been falsely implicated in this case; that it was not his responsibility to supervise the transactions in his individual capacity; that no I.T expert has been made as a witness without whose assistance it cannot be conclusively determined that applicant is responsible for alleged transactions; that previous to such alleged checking many audits were conducted but not a single rupee was found misappropriated. He has further submitted that case of the applicant requires further enquiry and he is entitled to bail.

4. On the other hand, learned Deputy Attorney General has opposed grant of bail to the applicant on the ground that there is sufficient documentary evidence against the applicant, which connects him with commission of offence.

5. We have considered submissions of the parties and perused the material available on record. Record shows that from the ID allotted to the applicant, the alleged fraudulent transactions were made and an amount to the tune of Rs.12,000,976/- was transferred to the account of co-accused

Muhammad Asif, who withdrew the same and utilized it. The applicant was allotted the subject I.D. and was authorized to supervise the same singly. In presence of such a *prima facie* evidence, we are of the view that applicant is not entitled to concession of bail. However, we have been informed that the charge has already been framed; and although there are 17 witnesses mentioned in the challan but out of whom only 3 are main witnesses. We, therefore while dismissing the bail application direct the trial Court to examine the material witnesses within a period of three months hereof, where after the applicant would be at liberty to move a fresh bail application before the trial Court, which if filed, shall be decided on its own merits.

6. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

J U D G E

J U D G E

Rafiq/P.A.

ORDER

MUHAMMAD IQBAL KALHORO, J. Applicants are accused in crime No.50/2014, U/s 365-B, 380, 34 PPC, Police Station Mubina Town, Karachi, and are seeking relief of pre-arrest bail through this application.

2. It is alleged in the FIR that both the applicants on **02.02.2014** at 1500 hours abducted daughter of the complainant namely Pehalwan from his House No.3, Street No.1, Azam Town, Karachi along with their four unknown accomplices for the purpose of committing zina with her. The FIR was registered on **25.02.2014**. The abductee came back to her house on **12.10.2015** and thereafter her statement under Section 164 Cr. P.C. was recorded on **16.10.2015**, in which she has alleged that these two accused/applicants on the pointation of pistol had abducted her from her house and detained her at unknown place in a room, where they used to commit rape with her. And thereafter, these applicants/accused had sold her to one aunty, who kept for about one year and eight months and during that period she was subjected to rape by many persons. According to her, she was again sold to someone else, who also subjected her to zina, but eventually she managed to flee and reach her house.

3. Learned defence counsel has argued that applicants are innocent and have been falsely implicated in this case; that this case is an outcome of enmity; that no independent person has been cited in the case; that there are

contradictions in the statement of abductee and FIR, which make the case against the applicants to be of further enquiry.

4. On the other hand, learned DPG has opposed confirmation of bail to the applicants and has stated that the victim in her statement has specifically nominated the applicants and has described the whole incident in categorical words; that there is *prima facie* evidence against the applicants, therefore, they are not entitled to bail.

5. I have considered the submissions of the parties and perused the material available on record. Both the applicants are nominated in the FIR, the applicant No.1 Muhammad Salman, whose name is mentioned in the FIR as Vicky and applicant No.1 are alleged to have abducted the victim from her house along with them accomplices. The delay in registration of the FIR in view of peculiar facts and circumstances of the case would not be considered a ground in favour of the applicants because in cases like the one in hand people tend to search for their daughters first before ultimately approaching the police for FIR. The abductee has described the whole incident in details in her statement under Section 164 Cr. P.C. which shows that the applicants after abducting her committed zina with her and thereafter sold her to one aunty for the purpose of prostitution. Learned DPG has informed that medical certificate also supports the version of prosecutrix. There is nothing on record to show that applicants have been falsely implicated by the complainant out of any malafide or ulterior motive to make them entitled to extra-ordinary relief of pre-arrest bail. In these circumstances, I am of the view that applicant are not entitled to confirmation of bail. Consequently, this bail application is dismissed and interim pre-arrest bail of the applicants granted vide order dated **02.02.2016** is hereby recalled.

ORDER

2. It is alleged in the FIR that applicant along with co-accused namely Razzaq Khan, Rais Khan and Shah Jahan Khan duly armed with pistols came at the place of incident known as Saleem Abbasi Hotel, Nizai Colony, Mirza Adam Khan, Karachi on **22.02.2017** at 1630 hours and by firing murdered deceased Hakim Khan and injured PW Mehar Ali. It is further alleged that the complainant party and accused party are closely related inter se and the motive for the offence is a dispute between them.

3. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case on the basis of enmity, which is admitted in the FIR; that in the FIR general allegations have been leveled against the applicant; that PW Mahar Khan who was injured in the incident has stated in his statement under Section 161 Cr. P.C. that they were fired at by accused Razzaq Khan, and has not assigned any specific to the applicant. Learned counsel in support of his arguments, has relied upon the case law reported in 1998 S C M R 454.

4. On the other hand, learned DPG as well as complainant who is present along with I.O. have opposed confirmation of bail to the applicant. Learned DPG has argued that applicant is nominated in the FIR and the manner of occurrence shows that he was sharing common intention with the main accused.

5. I have considered the submissions of the parties and perused the material available on record. PW Mahar Khan, who was injured in the incident in his statement under Section 161 Cr. P.C. has attributed the main role of firing at them to co-accused Razaq Khan. He has not assigned any specific role to the applicant except that he was along with the main accused at the time of incident. The FIR was registered after delay of two days, which does not appear to be adequately explained by the complainant. The question of common intention cannot be thrashed out at bail stage as it requires evidence. Consequently, the bail of applicant is hereby confirmed on same terms and conditions on the basis of which he was granted ad-interim pre-arrest bail vide order dated **26.04.2017**.

7. Bail application stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

IN THE HIGH COURT OF SINDH AT KARACHI.**Crl. Bail Application No.546 of 2016**

For hearing of Bail Application

13.05.2016

M/s. Naeem Iqbal & Mohammad Nasir, Advocates for applicant
Mr. Nasrullah Malik, Advocate for complainant
Mr. Ali Haider Saleem, APG

ORDEDR

Muhammad Iqbal Kalhoro,J. Applicant is accused in crime 256 of 2012, registered on 07.11.2012 at Police Station Clifton, U/s 489-F PPC.

2. As per allegations against the applicant are that he issued cheque of Rs.23,25,00,000/- dated 10.02.2012 of Allied Bank Limited ('**ABL**') to the complainant, which on presentation was dishonored; and consequences of which the instant FIR was registered against him. The complainant in the FIR has alleged that he and his brother are partners in business of General Traders Ammunition Manufactures Limited Factory situated in Nooriabad Jamshoro with the applicant. Applicant was the Chief Executive of the business, and lost the business into the complainant. Resultantly, complainant requested him to return back him investment, but to no avail, and then as result of some efforts a settlement dated 15.12.2011 was arrived between the parties, and the applicant undertook to either return investment to the complainant or in case of his failure the complainant would be deemed to have become full owner of the whole business; and to that effect the applicant issued the impugned cheque, which as stated above, however, dishonored.

3. Mr. Naeem Iqbal, learned counsel for the applicant has argued that applicant has been falsely implicated in this case; that cheque in question was issued as security, and consequences in case of its dishonor, complainant would become owner of the subject business, which has already found, as the complainant has taken over the entire possession of business, and running the same to the exclusion of the applicant; that transaction between the parties is a civil nature, and various civil suits in respect of the

agreement dated 15.12.2011 have been filed by the parties, therefore, on the part of the applicant is yet to be determined; that as per terms of the said settlement agreement the complainant was to be deemed to have assumed the entire ownership of subject business, therefore, for its natural crueller if the cheque was not encashed up-to the date, it stood replaced by the said deeming clause of the settlement, whereby complainant has taken that entire business of the factory. He has referred to para 14 of the written statement filed by the complainant in Civil Suit No.1212/2012, (copy whereof he has produced today). He has also referred to the annexure filed by him along-with copy of the written statement, showing as incharge of the entire business since 201, and seizing office of applicant as Chief Executive. Lastly in support of his arguments he has relied upon the case law reported in **2011 YLR 75, 2008 YLR 762, 2012 MLD 1519, PLD 2013 173 and PLD 2008 212.**

4. On the other hand, learned counsel for the complainant has opposed grant of bail to the applicant. His case is that applicant has failed to fulfill obligation of returning the said amount to the complainant, and has not allowed to take over possession of the subject business, that manufacture license has been sold by the applicant, therefore, the complainant cannot run the business; that applicant has filed a suit challenging the terms of the settlement, whereby he issued impugned cheque, therefore, complainant on account of such acts as at the receiving end; that neither applicant was returning money nor allowing complainant to assume ownership of the entire business; that against applicant various cases of similar nature has been registered and one of the case registered FIR in Peshawar U/s 489-F PPC, he is absconder; that applicant does not reserve concession of bail, as being habitual offender. He has relied upon the case laws reported in **2011 SCMR 1708, 2007 SCMR 1488, 2004 YLR 1553 and 2014 YLR 497.**

5. Learned A.P.G. has also opposed grant of bail, but the same time by referring the case law reported in 2009 MLD 1189, he stated that being applicant is in large on bail subject to furnishing surety of the disputed

amount, he would no objection. This proposal has not been opposed by the counsel for the complainant.

6. I have considered the arguments and perusal the material available on record. Issuance of impugned cheque is the result of settlement dated 15.12.2011, which inter alia stipulates in clause 1.2 that complainant party had agreed to sell their share to the applicant against consideration sum of Rs.240 Million share, which were up-to 49%, in case applicant fails to pay the said amount, the complainant party would be deemed to have fully become owner of the entire property and assets of the subject business, and would also be responsible to make payment of Rs.23,250,000/- of the private investor. Admittedly, applicant failed to make payment of the said amount till stipulated dated and as regards as to the investment of the terms of the said settlement agreement, parties are at various on each other and filed various suit, applicant has pleaded application that complainant has taken over the entire business of the factory as per deeming clause of the settlement, which fact, however, the complainant dispute. A copy of the written statement in Suit No.1212 of 2012 submitted by the learned defence counsel indicates that complainant party has asserted to hold 100% shares of the company and are in control of the business. Prime facie, it appears that the consequences of this dishonorment of the impugned cheque provided in the said settlement agreement has been accomplished, and in such circumstances, it is yet to be seen in the trial that either two conditions that are pay the amount or to relinquish ownership of the business by the applicant, one of the condition i.e. relinquishment of the business, prima facie, has been made, applicant can be burdened with the criminal or not; and on this ground I find the case of applicant further inquiry, and he is entitled to grant bail. Insofar as contention of the learned A.P.G. is that applicant be granted bail subject to furnishing the impugned amount, which was acquisitioned by the counsel for the complainant, in my view, when the case of the applicant is found of further inquiry, he would not be punished by imposing a condition, which he is not able to perform to get himself release

on bail. Accordingly, applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.5,00,000/ (Rupees five hundred thousand only) with P.R. bonds in the like amount to be extended to the satisfaction of the trial Court. But before parting with this order, I would like to direct trial Court is directed to expedite the trial and conclude it within a period of four (04) months.

7. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

IN THE HIGH COURT OF SINDH AT KARACHI.

CrI. Bail Application No.544 of 2016

For hearing of Bail Application

13.05.2016

Mr. Nasir Ahmed, Advocate for the applicants
Mr. Ali Haider Saleem, APG

Applicants are accused in crime No.49 of 2016, registered on 19.03.2016 at Police Station Tipu Sultan, Karachi, U/s 457, 380 & 34 PPC.

Allegations against the applicants are that they were caught hold by the security guard while committing theft from the shop of the complainant on 19.03.2016, and allegedly one stolen mobile phone was recovered.

Learned defence counsel has stated that offence does not fall within prohibitory clause U/s 497(i) Cr. P.C., and he has drawn my attention to the application of mother of applicant No.1/Ashfaq Mashhi moved before the police official against the complainant two days before the incident and states that case against the applicants is one of further enquiry. Although learned A.P.G. has opposed grant of bail, but he has not been able to rebut said application of mother of applicant No.1.

Offence admittedly does not fall within prohibitory clause; and the fact that mother of the applicant No.1 moved an application against the very complainant before the police official prior to the incident make the case

against applicants to be of further enquiry. Accordingly, applicants are granted bail subject to their furnishing a solvent surety in the sum of Rs.30,000/ (Rupees thirty thousand only) each with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court.

The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.1411 of 2015

Date	Order with signature of Judge
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1. For orders on office objection at A
2. For hearing of Bail Application.

07.08.2017.

Mr. Sajjad Ahmed, Advocate for the applicant a/w applicant
Syed Sajjad Ali Shah, advocate for the complainant a/w complainant
Mr. Abrar Ali Khichi, DPG

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ORDER

MUHAMMAD IQBAL KALHORO, J. Applicant is accused in crime No. 36/2014, U/s 452, 302, 324, 114, 117, 148, 149, 504 PPC, Police Station Nasarpur, District Allahyar, and is seeking relief of pre-arrest bail through this application.

2. It is alleged that applicant while being armed with hatchet along with co-accused who were also armed with different weapons launched an attack on the complainant party on **29.09.2014** at 1500 hours at Ismail Shah Colony Deh Nasarpur, in which one person namely Muhammad Moosa died as a result of firing by co-accused Abu Bakar alias Lala Chutto, whereas two persons namely Noor Muhammad and Khair Muhammad received injuries. The applicant is alleged to have caused a hatchet below on the head of Khair Mohammad during the incident. Resultantly, the present FIR was registered.

3. It has also been informed that a counter FIR bearing Crime No.37/2014 was also registered by the accused party against the complainant party, in which it is alleged that two persons namely Muhammad Fazil Chutto and Nadeem Chutto were murdered and one person was injured.

4. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that there are counter cases between the parties, therefore, the point as to which party was aggressor is yet to be decided in the trial; that in the counter FIR the accused, who have been assigned similar role to that of the applicant have been granted bail by the Hon'ble Supreme Court vide order dated **18.03.2015** in Cr. Petition No.4-K of 2015 as such the applicant is also entitled to the same concession.

5. On the other hand, learned Counsel for the complainant as well as learned DPG have opposed confirmation of bail to the applicant on the grounds that applicant has been assigned specific role in the FIR and in cross cases, it is not a universal principle to grant bail to the accused in all circumstances. Learned DPG has further stated location of place of incident indicates that it was the accused party which came there and launched attack.

6. I have considered the submissions of the parties and perused the material available on record. The injury attributed to the applicant has been opined by Medico Legal Officer as 337-F(i) PPC, which is bailable. The accused in the counter FIR, who have been assigned the injuries which are bailable have been granted bail by the Hon'ble Supreme Court as pointed out the learned defence counsel. The point as to which party is aggressor is factual in nature and requires deep appreciation of evidence and thus cannot be decided at bail stage. The case is pending for the last three years and at no occasion during that period the applicant has misused the concession of bail.. It has been informed that although the charge has been framed but no witnesses have been examined by the trial Court. In these circumstances, I am of the view that applicant has been able to make out a case for confirmation of bail. Consequently, the bail of applicant is hereby confirmed on same terms and conditions on the basis of which he was granted ad-interim pre-arrest bail vide order dated **21.10.2015**.

7. Bail application stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.879 of 2017

Date	Order with signature of Judge
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For hearing of Bail Application.

07.08.2017.

Ms. Saima Ashraf, advocate for the applicant

Mr. Abrar Ali Khichi, DPG

Complainant, Attaullah is present in person

SI, Muhammad Ramzan, P.S. Surjani Town, Karachi

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Applicant is accused in crime No. 521/2016, U/s 392, 397, 34 PPC, Police Station Surjani Town, Karachi.

Applicant is alleged to have committed robbery from the complainant along with co-accused on **06.12.2016** at 0015 hours when he was present in his Shop No.L-472, Sector 35-B Lyari Expressway, Suurjani Town, Karachi. The co-accused managed to escape from the spot, however, the applicant was apprehended and from him the crime weapon i.e. pistol was recovered.

Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that the prosecution story does not inspire confidence; that complainant has filed affidavit in favour of the applicant; that applicant is behind the bars for the last seven months and still no progress has been made in the trial.

On the hand learned DPG has opposed grant of bail to the applicant and has referred to the statements of prosecution witnesses, who have fully implicated the accused/applicant.

The applicant as per FIR was arrested from the spot along with crime weapon while committing robbery and during the scuffle to catch him, he was injured at the hands of people; such medical certificate is also available on record. The offence against the applicant is non-compoundable, therefore, the affidavit of the complainant has no value in the eyes of law. There is *prima facie* evidence against applicant, therefore, in my humble view, he is not entitled to a concession of bail. Consequently, this bail application is dismissed, however, the trial Court is directed to expedite the trial and record the evidence of material witnesses including the complainant within two months, where after the applicant would be at liberty to move a fresh bail application, which if filed, shall be decided on its own merits.

Bail application stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.783 of 2017

Date	Order with signature of Judge
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For hearing of Bail Application.

07.08.2017.

Mr. Muhammad Ibrahim Sahto, Advocate for the applicant a/w applicant

Mr. Abrar Ali Khichi, DPG

SIP, Wazir Ali , P.S. Shah Latif Town, Karachi

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Applicant is accused in crime No. 583/2016, U/s 324, 34 PPC, Police Station Shah Latif Town, Karachi and is seeking relief of pre-arrest bail through this application.

Complainant who has been served notice as per report of SHO of P.S. Shah Latif Town, but he has chosen to remain absent today.

Applicant alleged to be pillion rider on the motorcycle, and armed with pistol stopped the car of the complainant on **19.12.2016** at 2345 hours at PMTF Road via Cattle Colony near Railway Phatak SLT Malir, and meanwhile co-accused Dilawar Shah along with another accused came on another motorcycle and fired at complainant as a result of which he and PW Sultan Shah, who was sitting next to him got injured. It has been informed that main accused Dilawar shah has been granted post-arrest bail. In the FIR, admittedly the applicant has not been attributed the role of causing any injury to complainant party. Although learned DPG has opposed confirmation of bail to the applicant but has not been able to controvert that co-accused Dilawar Shah who has been assigned the main role has been granted bail and the case of the applicant is on better footing than him; and in these circumstances, the applicant would also be entitled to the same relief. Consequently, the bail of applicant is hereby confirmed on same terms and conditions on the basis of which he was granted ad-interim pre-arrest bail vide order dated **06.06.2017**.

Bail application stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

IN THE HIGH COURT OF SINDH AT KARACHI.
Cr. Bail Application No.952 of 2017

For hearing of Bail Application**07.08.2017**

Mr. Arshad Jamal Siddiqui, Advocate for applicant
 Mr. Abrar Ali Khichi, DPG
 SIP/I.O. Muhammad Arif, P.S. Ferozabad, Karachi.

ORDER

Applicant is accused in crime No.495 of 2013, registered on **31.07.2013** at Police Station Shahrah-e-Faisal, Karachi U/s 302, 324, 34 PPC.

Complainant has alleged that he was present on **25.07.2013 at 1030** at Main Gate, Block-18, Rabia City, Gulistana-e-Jauhar, Karachi when applicant along with other co-accused namely Tariq Tareen, Shahzad @ Shuja, Ali @ Mota, Akram Mamo, Imtiaz Kala, Kashif Abdullah, Hashim Afghani, Hanif Hotel Wala and Imtiaz Sanjherani arrived at the spot and started firing, as a result of which, he received firearm injuries. And thereafter the accused followed the deceased Owais Ahmed, who went upstairs on the roof of building, Block No.5 of Block-12, Zakir Hussain, where they committed his murder also.

In the investigation the statement of the complainant was recorded under Section 161 Cr. P.C., however, the Investigating Officer ('I.O') could not record the statement of other injured namely Sanaullah. The applicant was initially arrested in Crime No.411/2014 on **03.09.2014** and subsequently was shown arrested in the present case and since then he is behind the bars. The trial Court has recorded evidence of the complainant, he has disowned the contents of the FIR and has not recognized the applicant to be the culprit of the offence.

The I.O. is present and states that although in the FIR, it is alleged that Muhammad Omar and Muhammad Owais had seen the incident but he could not procure their whereabouts and has not made them as witness. Regarding Muhammad Arman whose name is mentioned in the challan as a witness, he states that he does not know his whereabouts, and despite best efforts, he has not been able to locate him and produce him in the trial Court for evidence.

Learned DPG in view of such facts and circumstances has recorded his objection lacklusterly and further states that this bail application may be disposed of as per record and proceeding of the case.

I have considered the submissions of the parties and perused the material available on record. In my view, the applicant's case requires further enquiry for the reasons that in the FIR, he has not been assigned any

specific role; the complainant has exonerated him in the evidence; and apart from him, the prosecution for the time being has not been able to produce any other evidence to implicate him in the commission of the offence. Resultantly, the applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.200,000/- (Rupees two hundred thousand) with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI.
Crl. Bail Application No.444 of 2016**

For hearing of Bail Application

01.06.2016

Mr. Intikhab Ahmed, Advocate for the applicant
Ms. Seema Zaidi, A.P.G.
SIP, Mirza Safdar, P.S. PIB Colony, Karachi.

MUHAMMAD IQBAL KALHORO, J:- Applicant is in jail as an accused in crime No.144 of 2014, registered on 12.09.2014, under Section 6/9-C CNS Act, 1997 at Police Station PIB Colony, and is seeking relief of bail through this application.

2. Applicant was arrested in the present crime on 12.09.2014 at 0530 hours by SIP Mirza Safdar from University Road, Near Edhi Centre, PIB Colony from his personal search 1025 grams charas and one 30 bore unlicensed pistol were recovered. As the applicant was nominated in crime No.76 of 2014, under Section 302, 109 and 34 PPC, registered at P.S. PIB Colony, his arrest was also shown in that crime. Pursuant to the recovery of above incriminating articles the present case as well as case under Section 23-1(a), Sindh Arms Act, 2013 was registered at the same Police Station. Applicant moved bail application before the trial Court, which was dismissed mainly on the ground that the applicant is habitual criminal, as he was involved in two more offences.

3. Learned A.P.G. has opposed grant of bail to the applicant, but has not been able to controvert the point that the applicant has granted bail in two criminal cases pending against them.

4. Learned counsel for the applicant has placed on record Photostat copies of orders in both the above stated crimes, whereby the applicant has been granted bail by the learned trial Court. It appears that only on the ground that applicant was involved in some other criminal cases; his bail was rejected by the trial Court. And as the learned counsel for the applicant has placed on record photocopies of bail orders showing that applicant has been granted bail in both the cases, the said impediment does not appear to come in the way of the applicant, who was shown to be in possession of 1025 grams of charas, the challan has been submitted, and applicant is no more required for further investigation. Admittedly applicant is not a previous convict and there is also no record that he has been involved in the same kind of offences earlier. I find that applicant has been able to make out the case for grant of bail. Accordingly, applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.1,00,000/ (Rupees one lac) with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

6. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.455 of 2017

Date	Order .with signature of Judge
For hearing of Main Case	

01.08.2017

Mr. Fateh Muhammad Jatoy, Advocate for the applicant
Mr. Muhammad Arshad Tariq, Advocate for complainant

Ms. Rahat Ahsan, Addl: P.G.

Applicant is accused in crime No.36/2014, registered on **15.01.2016** Police Station Korangi Industrial Area ('**KIA**'), Karachi U/s 302, 34 PPC.

Learned Counsel for the parties after arguing the case at some length have agreed that this bail application may be dismissed as not pressed with direction to the trial Court to expedite trial and record evidence of the main witnesses within a period of two months, whereafter the applicant may move a fresh bail application in the light of material coming on record in the evidence. It has also been informed that this case is pending in the Court of learned 4th Additional District & Sessions Judge, East, Karachi, which is currently lying vacant. And in this back drop learned Counsel for the parties including learned Addl: P.G. have submitted that this case may be withdrawn from the file of the said Court and transferred to the Court of District & Sessions Judge, East, Karachi to either conduct the trial himself or assign it to any other learned Additional Sessions Judge for trial. Consequently, this bail application is dismissed as not pressed with direction to the trial Court to expedite the trial and record the evidence of the main witnesses within two months, whereafter the applicant would be at liberty to move a fresh bail application, which if filed, shall be decided on its own merits.

As the 4th Additional Sessions Court, where case bearing Sessions Case NO.413 of 2016 is pending is lying vacant, the same is ordered to be withdrawn from file of said Court and transferred to the learned District & Sessions Judge, East, Karachi, with direction to either conduct the trial himself or assign it to any other Additional Sessions Judge for trial, which shall record evidence of the main witnesses within a period of two months and submit such compliance report through MIT-II of this Court. From the report of learned Sessions Judge dated **18.07.2017** called in the present bail application, it is reflected that on some dates the witnesses were present but the case was adjourned for want of case property. In the circumstances, the trial Court is directed to take coercive methods as provided in law to ensure availability of case property at the time of evidence.

Bail application stands disposed of in the above terms.

Judge

Rafiq/P.A.

IN THE HIGH COURT OF SINDH AT KARACHI.

Cr. Bail Application No.984 of 2017

For hearing of Bail Application

24.07.2017

Mr. Muhammad Akbar, Advocate for applicant/accused
Mr. Irshad Ali Shar, Advocate for complainant a/w complainant
Ms. Rahat Ahsan, Addl: P.G.

ORDER

Muhammad Iqbal Kalhoro,J. Applicant is accused in crime No.14592 of 2017, registered on **02.02.2017** at Police Station Gadap City, Karachi U/s 489-F, 506-B, 34 PPC.

2. Complainant is Sales Manager in Al-Ramzan Food Company. Applicant namely Muhammad Riaz and co-accused Gufran Gadi and Ghulam Akbar are proprietors and partners of Anwar Milk Shop. It is alleged that complainant used to supply them buffalo feeds, which co-accused Gufran Gadi would receive, and against that the applicant used to issue cheques. In all 17 cheques were issued by the applicant against the alleged outstanding amount of Rs.19,700,000/- (Rupees one crore ninety seven lac). The cheques on presentation were dishonored, hence the above FIR was registered against all the above named accused.

3. Learned Counsel for the applicant has argued that applicant is innocent and has been falsely implicated in this case; that co-accused have been granted bail; that the applicant is behind the bars for the last six months and still in the trial the charge has not been framed; that the offence does not fall within prohibitory clause of section 497 (i) Cr. P.C.; that case against the applicant requires further inquiry because the subject cheques were given by the him as guarantee and not against any obligation.

4. On the other hand, learned Counsel for the complainant has opposed grant of bail to the applicant on the ground that applicant is nominated in the FIR and against him *prima facie* evidence in the shape of dishonored cheques is available. He has relied upon the case law reported in **2009 S C M R 174** in support of his arguments.

5. Learned Addl: P.G. has also opposed grant of bail to the applicant but she has admitted that during investigation the material showing supply of alleged buffaloes feeds by the complainant to the accused as alleged could not be collected by the I.O.

6. I have considered the submissions of the parties and perused the material available on record including the case law cited at the bar. Prima facie no material qua supply of buffalo feeds to the applicant against which the alleged cheques were issued, has been collected by the I.O. in the investigation. Therefore, the applicability of section 489-F PPC, which is attracted only when dishonored cheque is issued either to pay loan or to fulfill some obligation would require further inquiry. Learned Addl: P.G. has also conceded that *prima facie* no evidence appears to have been collected to show supply of alleged buffalos feeds to the applicant and thus his obligation against that. The offence does not fall within the prohibitory clause of section 497(i) Cr. P.C. The challan has been submitted and the applicant is no more required for further investigation. In the circumstances, the applicant is granted bail subject to his furnishing two solvent sureties in the sum of Rs.5,00,000/- (Rupees five hundred thousand) each with P.R. bond in the like amount to be executed to the satisfaction of the trial Court. The trial Court, however, is directed to expedite the trial and conclude it within a period of six (06) months hereof, and submit such compliance report through MIT of this Court.

7. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

**IN THE HIGH COURT OF SINDH AT KARACHI.
Crl. Bail Application No.393 of 2017**

For hearing of Bail Application

27.07.2017

Mr. Ahmed Ali Awan Dewan, Advocate for applicant/accused
Mr. Amanullah Khan Yousufzai, Advocate for complainant a/w complainant
Ms. Rahat Ahsan, Addl: P.G.

ORDER

Muhammad Iqbal Kalhoro,J. Applicant is accused in crime No.208 of 2016, registered on **03.08.2016** at Police Station Quaidabad, Karachi U/s 302, 324, 109, 34 PPC.

2. Allegedly applicant along with seven (07) other co-accused duly armed with deadly weapons attacked the complainant party near their house at Kachi Abadi, Dawood Chali near Shabina Masjid, Quaidabad, Landhi,

Karachi on **03.08.2016** at about 0945 hours, and murdered one person Muhammad Umar (deceased), and injured two persons. In the FIR the applicant is stated to have fired at PW Ismail on his chest, who was critically injured as a result thereof.

3. Learned Counsel for the applicant has argued that applicant is innocent and has been falsely implicated in this case; that rule of consistency is applicable in the case of applicant as co-accused have been granted bail; that the pistol which was allegedly recovered from the applicant was sent to the Ballistic Expert along with recovered crime empty but it did not match with the same which makes the case against the applicant to be one of further enquiry; that the question whether the applicant was sharing common intention with the main accused is to be determined in the trial. Learned Counsel in support of his arguments has relied upon the case laws reported in PLD 2002 SC 46, and 2017 S C M R 116.

4. On the other hand, learned Counsel for the complainant and learned Addl: P.G. have opposed grant of bail to the applicant on the ground that applicant is nominated in the FIR with specific role of causing firearm injury to PW Ismail on his chest which is a vital part of body, and that the fact of attacking upon the complainant party after calling them from their house clearly demonstrates that all the applicants, who were duly armed with weapons, were sharing common intention.

5. I have considered the submissions of the parties and perused the material available on record including the case law cited at bar. Applicant is specifically stated in the FIR to be armed with pistol and to have fired from the aid pistol at PW Ismail on his chest, which is a vital part of his body. This allegation against the applicant has been supported by the PWs in their statements under Section 161 Cr. P.C. As to the ground that rule of consistency, I am of the view that the role assigned to the present applicant is different than the one assigned to the co-accused who have been granted bail. None of the co-accused who have been granted bail are alleged to have fired at PWs and critically injuring them. Therefore, the rule of consistency is not attracted in the case of the applicant. Learned Addl: P.G. by referring to FSL report has pointed out that the weapon recovered from the applicant matched with the crime empties recovered from the spot. In these circumstances, *prima facie* the applicant appears to be involved in the case, which carries capital punishment and at this stage he is not entitled to grant of bail. Resultantly, this bail application is dismissed. The trial Court, however, is directed to expedite the trial and examine the material witnesses within a period of six (06) months hereof, and whereafter the applicant, if he

so wishes, would be at liberty to repeat his bail application before the trial Court, which, if filed, shall be decided on its own merits.

6. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

IN THE HIGH COURT OF SINDH AT KARACHI.

CrI. Bail Application No.313 of 2016

For hearing of Bail Application

06.04.2016

Mr. Nasrullah Malik, Advocate for applicant/accused
Mr. Zahoor Ahmed Shah, APG

Muhammad Iqbal Kalhoro,J. Applicant is accused in crime 592 of 2015, registered on 03.11.2015 at Police Station Gulistan-e-Jauhar, U/s 6/9-C, Anti-Narcotics Act.

2. As per allegations, the applicant was driving Alto Car Suzuki on the day of incident, when he was stopped by the complainant party and during his checking 2 KG Charas was allegedly recovered from him. In pursuance of which the applicant was arrested and such memo of arrest and recovery was prepared. Resultantly, the above FIR was registered against him.

3. Applicant's counsel has argued that applicant is innocent and has been falsely implicated in this case; that applicant has got enmity with the police official of the same Police Station and on the basis whereof he has been implicated in this case and 2 KG Charas has been foisted upon him. To establish his point, he has referred to the order dated 0810.2015 passed by learned IV-Additional Sessions Judge/Ex-Officio Justice of Peace, Karachi available at Page-91 of the file on the application U/s 22-A Cr. P.C. filed by the applicant against the duty officer of Police Station Gulistan-e-Jauhar. He has also referred to an application of the applicant moved before the learned District & Sessions Judge, East, Karachi against some police officials of the

same Police Station. Lastly he has relied upon the case of **MUHAMMAD HANIF VS. THE STATE [S B L R 2016 SINDH 29]** and states that in the said case 2500 grams Charas was recovered from the possession of the accused and yet he was granted bail.

4. Learned A.P.G. has opposed grant of bail to the applicant. He states that from the applicant 2 KG Charas was recovered, which was sent to the office of chemical examiner for analysis and the report has come in positive.

5. I have heard both the learned counsel and perused the material available on record. The case against applicant appears to be of further inquiry in view of documents submitted by him, which show that before alleged occurrence of this incident, the applicant was at odds with the police officials of the same Police Station and against whom he had moved various applications. Additionally, the applicant is behind the bars since the date of his arrest i.e. 03.11.2015 but so far no progress in the trial has been made although the entire case of the prosecution is based on the evidence of the police officials whose attendance can be procured easily. The case has been challaned and now the application is no more required for further investigation. His remaining in jail is of no consequences to the prosecution.

6. In view of above, I am inclined to grant bail to the applicant subject to his furnishing a solvent surety in the sum of Rs.1,00,000/ (Rupees one hundred thousand only) with P.R. bonds in the like amount to be extended to the satisfaction of the trial Court. The trial Court is further directed to expedite the matter and dispose it of within a period of two (02) months and submit such compliance report.

JUDGE

Rafiq/P.A. ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cri. B.A. No.1653 of 2015
Cri. B.A. No.1494 of 2015

Date	Order with signature of Judge
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For hearing of Bail Application

13.04.2016.

Mr. Imamuddin Chandio, Advocate for the applicant
in CrI. B.A. No.1653/2015
Mr. Muhammad Naseemuddin, Advocate for applicant in CrI. B.A.
No.1494/2015
Ms. Seema Zaidi, A.P.G.
SI, Muhammad Rasheed, P.S. Aziz Bhatti

ORDER

MUHAMMAD IQBAL KALHORO J: Applicants are seeking post arrest bail in crime No.274/2015, registered at Police Station Aziz Bhatti, Karachi on 03.06.2015 for the offences U/s 302, 34 PPC. They have filed bail applications separately which are captioned as above.

2. A perusal of FIR shows that deceased Muhammad Waseem was arrested on 02.06.2015 by SHO, Maqsood Raza of Police Station Aziz Bhatti on the basis of suspicion, and from him one unlicensed 9-MM pistol was recovered. Resultantly deceased Muhammad Waseem was booked in crime No.273 of 2015 for the offence U/s 23(1)A Sindh Arms Ordinance Act. During interrogation, he admitted his involvement in crime No.343 of 2012 registered for the offences U/s 302, 322, 436, 337,34 PPC at Police Station SITE, which relates to the incident of Baldia factory. Such information was communicated to Inspector Ch. Zafar Iqbal, one of the applicants who was Investigating Officer of the said crime. Accordingly he along-with his team came at the Police Station Aziz Bhatti on 02.06.2015 and took custody of the deceased Muhammad Waseem to his police station for the purpose of interrogation and investigation. Subsequently on the same day, he informed the SHO of Police Station Aziz Bhatti that deceased Muhammad Waseem had established some health problem and he was taking him to the hospital. He later on informed that deceased Muhammad Waseem had died in the hospital. The disclosure of applicant Ch. Zafar Iqbal was checked but was found false, hence instant FIR was registered against the applicants and other co-accused. During investigation, it was discovered that deceased Muhammad Waseem had been tortured and due to a serious injury on his head he had died. Investigating Officer found the applicants involved in in the said incident, hence, he submitted challan against them.

4. Learned counsel for the applicant namely Zameer Hussain has argued that applicant is innocent and has been falsely implicated in this case; that there is no evidence against him and no role in the FIR has been ascribed to him. Learned counsel has referred to an inquiry purportedly conducted by the DIG West, Karachi and states that in the said enquiry, no responsibility has been fixed on the applicant. The arguments of the learned counsel for the applicant namely Ch. Zafar Iqbal are that he has been made escape-goat; that he was not handed over custody of deceased Muhammad Waseem as alleged by the prosecution; that no specific role in the FIR has been assigned

to him, and no direct or indirect evidence during the investigation has been collected to show his connection in the commission of the offence.

5. On the other hand, learned A.P.G. has opposed grant of bail to the applicants and has argued that sufficient evidence against them has been collected in the investigation; that deceased Muhammad Waseem was handed over to the applicants for interrogation and investigation, and he died in their custody and that post mortem report supports prosecution story. She further states that since trial is in progress and two prosecution witnesses have been examined, the applicants are not entitled to the concession of bail.

6. I have heard both the parties and have perused the material available on record. The FIR was registered, when information of applicant Ch. Zafar Iqbal that deceased had died due to some illness was found false. The investigation into the matter could bring out the material which indicated that deceased had not died of some illness but it was torture and head injury which cost him his life. Record also reveals presence of the material showing custody of the deceased with the applicants at the time of his death. In such circumstances non-mentioning of specific role of the applicants in the FIR is immaterial and cannot be considered a ground for bail. The trial is in progress and two witnesses have already been examined. Directions to the trial court to conclude the trial within a period in certain period in such circumstances would meet ends of justice. Accordingly, the instant bail applications are dismissed. The trial Court is directed to conclude the trial in four (04) months. The applicants may repeat their bail application if within stipulated period the trial is not concluded.

Both the bail applications are disposed of in the above terms.

JUDGE

Rafiq/P.A

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr.Bail Appl No.602 of 2016

Date	Order with signature of Judge
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For hearing of Bail Application.

31.05.2016.

Mr. Muhammad Imran, Advocate for the applicants a/w applicants.
Ms. Seema Zaidi, A.P.G.

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MUHAMMAD IQBAL KALHORO J: Applicants are accused in crime No. 157/2014, U/s 147, 148, 149, 324, 302 and 34 PPC, Police Station Gulshan-e-Maimar Karachi, and are seeking relief of pre-arrest bail through this application.

2. The allegations leveled by the complainant against the applicants in the FIR are that on the day of incident viz. 17.10.2014 all the accused with their common intention duly armed with Lathi and Danda came to his house, where they leveled false allegations of theft of money against his younger brother Babu and started exchanging hot words with them. And thereafter all the accused with their common intention started beating complainant party. As a result of which father of the complainant Qasim, his mother Rukhsana and his brother Babo got injured. The complainant brought his injured father to Abbasi Shaheed Hospital for treatment, where he died of injuries. And after completing all the codal formalities, the complainant appeared in the Police Station where he lodged FIR. However, on the same day he again appeared in the Police Station and got his supplementary statement recorded assigning main role of causing death of his father against two accused, namely, Rawal and Ejaz. On the basis of his statement both the accused were also included in the investigation, and were subsequently referred to the trial Court under Section 173 Cr. P.C.

3. Learned counsel for the applicant states that in all nine accused are nominated in the FIR out of whom eight accused are brothers inter se. He further states that all applicants are brothers, and have been falsely implicated in this case due to enmity with the complainant. He further states that this is case of two versions as in the FIR the complainant has nominated only the applicants as accused but in the subsequent statement he has nominated two more accused and has assigned specific role of causing death of his father to them. He further states that the said accused, namely, Rawal and Ejaz have been granted confirmed pre-arrest bail vide order dated 28.01.2016 by the trial court. He has further pointed out that evidence of the complainant has been recorded, wherein, he has also reiterated allegations against the accused Rawal and Ejaz and against the applicants, he has leveled general allegations. He has lastly prayed for confirmation of bail to the applicants.

4. On the other hand, learned A.P.G has opposed the confirmation of bail, however, she has not been able to controvert that the main role of causing death of father of the complainant has been attributed against the co-accused Rawal and Ejaz whose bail has been confirmed by the trial Court, and so far the State has not filed any application for cancellation of their bail. The complainant's brother namely Baboo Khaskheli had appeared

on the last date of hearing and had sought time but today complainant has chosen to remain absent. Although in the FIR the complainant has leveled allegations against the applicants but then subsequently he has mutated his version by assigning specific role of causing death of his father to co-accused Rawal and Ejaz, the same facts have been reiterated by him in his evidence subsequently. In such circumstances, I am of view that case of the applicants requires further enquiry into their guilt, and being members of same family, their false implication cannot be ruled out. Consequently the bail of applicants is hereby confirmed on same terms and conditions on the basis of which they were granted ad-interim pre-arrest bail vide order dated 03.05.2016.

5. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI.
Crl. Bail Application No.515 of 2016**

For hearing of Bail Application

30.05.2016

Mr. Ghulam Fareed Baloch, Advocate for the applicant
Mr. Shafiq Ahmed, Special Prosecutor for ANF

MUHAMMAD IQBAL KALHORO, J:- Applicant is in jail as an accused in crime No.D030700116, registered on 05.01.2016 at Police Station ANF Muhammad Ali Society, Korangi, Karachi, U/s 6/9-C 14 and 15 CNC Act 1997, and is seeking relief of bail through this application.

2. The contents of FIR show that applicant was arrested on the spy information by police officials of Police Station ANF Muhammad Ali Society from inside street, Ali Akbar Shah Village, Ibrahim Hyderi Malir Karachi at 1600 hours on 05.01.2016, and from him, 1100 grams of charas was recovered. Pursuant to which he was arrested, and the present FIR was registered against him.

3. Counsel for the applicant states that the applicant is innocent and has been falsely implicated in this case; that the recovery of narcotics has been foisted upon him; that the applicant is not a previously convict; that there is violation of section 103 Cr. P.C., as despite spy information in advance no

private person was associated to witness the alleged recovery. Although the FIR shows recovery of 1100 grams of charas from the applicant but the report of chemical examiner indicates that it was only 1002 grams of charas, which discrepancy makes the case against the applicant to be one of further enquiry. Learned counsel in support of his contentions has relied upon the case laws reported in 2014 MLD 723, 2014 P Cr. LJ 427 and 2012 MLD 1032.

4. On the other hand learned Special Prosecutor for ANF has opposed this application. In support of his arguments, he has relied upon the case law reported in 2008 SCMR 1254 and 2015 SCMR 1007. He has also placed on record certified photocopy of orders passed by this Court in Crl. B.A. No.1346 of 2015 and Crl. B.A. No.1625 of 2015.

5. I have heard the parties and perused the material available on record. Admittedly applicant is not a previous convict and there is also no record that he has been involved in the same kind of offences earlier. The investigation is complete, and the challan has been submitted, but no progress in the trial is made by the prosecution, despite the fact that all witnesses are police officials whose attendance can be procured relatively easily. FIR shows that recovery of 1100 grams of charas was effected from the applicant, but the chemical report indicates that it was only 1002 grams of charas, which makes the case against the applicant to be one of further enquiry. Case against the applicant is border line case in between subsection (b) and (c) of section 9 of CNS Act, 1997. In the circumstances, the applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.1,00,000/ (Rupees one lac) with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

6. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

JUDGMENT SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Crl. Appeal No.32 of 2015

Date	Order with signature of Judge
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Appellant: Babar Masih @ Billo son of Akbar Masih is produced by the jail authorities is present in person

Complainant: None present
 Respondent: The State through Ms. Seema Zaidi, A.P.G
 Date of hearing: 30.03.2017
 Date of decision: 30.03.2017.

J U D G M E N T

MUHAMMAD IQBAL KALHORO J: Appellant was tried and convicted in S.C. No.745/2014 by learned VIII-Assistant Sessions Judge at Karachi East vide impugned Judgment dated **14.02.2015** in crime No.108/2013, registered at Police Station Mobina Town for the offences U/s 324, 34 PPC to suffer RI for 05 years and to pay fine of Rs.20,000/- , in default whereof to suffer SI for one month more. The benefit provided under Section 382-B Cr.P.C was also extended to the appellant.

2. In the said case besides the appellant, the co-accused namely Naveed, and Dansih, who also filed instant appeal, and Rafiq Masih @ Jagga were also convicted vide same judgment and sentenced to suffer same term with the same fine. However, during pendency of this appeal, appellants Naveed and Danish and complainant filed two applications viz. the application under Section 345(2) Cr. P.C. for permission to compound the offence and the application under Section 345(6) Cr. P.C. for acquittal of the said appellants on the basis of the compromise. Both the applications were allowed by this Court vide order dated **12.05.2015**, and as a result of which appellants Naveed and Danish were acquitted, however, appeal of the present appellant was kept alive for decision on merits.

3. Briefly the facts of the prosecution case are that complainant namely Rab Nawaz registered above stated FIR on **31.03.2013** at about 1300 hours alleging that he was resident of House No.6/126, Sachal Goth, Karachi and was in the business of Tyre Puncture Shop. On the same date at about 01:00 a.m. he was present with his friend namely Arslan Chandio at his Milk Shop situated in Ayoub Goth, where he disclosed to him that accused who had snatched cash amount from him few days ago were sitting in front of Gali along with companions, whereupon he went to the accused for the purpose of talking but the accused Jagga instead of talking with him directly fired upon him, as a result of which, he received a bullet injury on the back side of his left shoulder. And co-accused Asmatullah also made firing on him but which did not hit him. As a result of firing the people gathered there, and then his brother took him to the hospital. After registration of FIR, the police arrested the appellant on **01.04.2013** in Crime No.110/2013, U/s 23(i)-A Sindh Arms Act, 2013; during investigation whereof, it is alleged, the appellant admitted his involvement in the present offence, hence, he was

also booked in the present case along with other co-accused named above. During the trial the formal charge under Section 324 PPC was framed against all the accused to which they pleaded not guilty and claimed trial.

4. In the trial the prosecution examined PW-1 Complainant, Rab Nawaz, PW-2, ASI, Haq Nawaz, PW-3, ASI Muhammad Ashraf, PW-4, SI Abdul Sattar Gopang, PW-5 Arsalan Chandio and PW-6 Doctor Malik Shafqat Hassan, who produced all the necessary documents from FIR, memos and report of FSL etc. After the prosecution evidence, the statements of the accused including present appellant were recorded by the trial Court in which they denied the allegations leveled against them in the evidence and pleaded their innocence. The trial Court, however, at the conclusion of trial, convicted all the four accused including present appellant for committing offence under Section 324, 34 PPC vide impugned judgment in the terms as stated above, which has been challenged by the appellant in the instant appeal.

5. Today the appellant has been produced in jail custody and has been heard in person along with learned A.P.G. The entire material including evidence of all the witnesses has also been perused. Although the complainant is on notice of this appeal as is evident from his filing of applications for compromise with the remaining two acquitted appellants but today he has chosen to remain absent. In the FIR the applicant is not nominated by the complainant and its contents show that co-accused namely Rafiq Masih @ Jagga has been assigned the role of making fire upon the complainant and besides him the other accused namely Asmatullah is alleged to have made some ineffective fires on the complainant. The complainant in his evidence at Ex.6 has also not assigned any role to the present appellant and has deposed simply that *“the accused persons namely Jagga and others present in the court are same”*. Except this piece of evidence, no other incriminating evidence is available against the appellant. Eye witness namely Arslan examined by the prosecution at Ex.10 has admitted in the cross examination that at the time of firing he had only seen accused Jagga and no other accused was seen by him. In fact no reliable evidence is available that the appellant was present at the time of incident or if he was present he was armed with any weapon. After reading the entire material and the evidence as discussed above, the learned A.P.G. has not supported conviction and sentence awarded to the appellant. It appears that trial Court in total disregard to the principles regulating appreciation of evidence has awarded conviction to the appellant vide impugned judgment in absence of any incriminating evidence against him.

6. In view of the above discussion, the instant appeal is allowed. Consequently conviction and sentence awarded to the appellant namely

Babar Masih @ Billo through impugned Judgment is set-aside. The appellant is produced in jail custody. He shall be released forthwith, if not required in any other custody case.

The appeal stands disposed of.

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.248 of 2017

Date	Order with signature of Judge
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For hearing of Bail Application.

29.03.2017.

Mr. Noor Marjan Khattak, advocate for applicant
Ms. Seema Zaidi, A.P.G.

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Applicant is accused in crime No.298/2016 registered on 11.12.2016 at Police Station Saeedabad, Karachi U/s 395 PPC.

Complainant in the FIR has alleged that on the night of **01.11.2016** at about 02:00 a.m. 8 unknown accused duly armed with weapons entered his house by scaling over the wall and robbed from the house Rs.250,000/-, five tola gold ornaments, four mobile phone sets, one laptop computer, one LCD Samsung and five Digital Cameras. The applicant was arrested on **21.12.2016** on the basis of suspicion of his involvement in the present case and it is alleged that on the next day viz. **22.12.2016** one Q-Mobile robbed from the house of the complainant was recovered from his house on his pointation.

Learned counsel for the applicant has argued in favour of grant of bail to the applicant, whereas learned A.P.G. has opposed bail on the ground that robbed property was recovered from the applicant.

No one is nominated in the FIR, the applicant was arrested merely on suspicion of his involvement in the present case; one Q-Mobile phone robbed from the house of the complainant is shown to have been allegedly recovered from him. However, after arrest of the applicant, neither he was put to identification parade nor the said Q-Mobile to identify it to be robbed property. The case of the applicant in view of such fact requires further inquiry. Accordingly, the applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.1,00,000/ (Rupees one hundred thousand

only) with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.400 of 2016

Date	Order with signature of Judge
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1. **For orders on office objection**
2. **For orders on M.A. No.3167/2016**
3. **For hearing of Bail Application**

28.04.2016.

Mr. Naseem Akhtar, Advocate for the applicant a/w applicant.
Mr. Malik Sadaqat Khan, SSP, SSGC

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MUHAMMAD IQBAL KALHORO J: Applicant is seeking pre arrest bail in crime No.16/2016 registered on 04.02.2016 at Police Station SSGC, Karachi U/s 462(A-H)C PPC.

2. Case of the prosecution is that the complainant namely Ramesh Kumar, Deputy Manager, SSGC, Karachi on 03.02.2016, along-with a team reached Niazi Marbel factory, situated at Plot No.B-12, KSE No.188, Subhan Masjid, near Mian Wali Colony, Qasba Curve, Manghopir Karachi where they found direct gas connection from the service line through rubber pipe line to the said factory. Articles which were being used in theft of the gas were impounded and the FIR was registered against the applicant being owner of the factory.

3. Learned defence counsel has argued that the applicant is not owner of the said factory and has been falsely implicated in the present case; that the FIR has been registered after delay of one day, which has not been explained by the prosecution; there is no record that the applicant is owner of the said factory and the prosecution has failed to produce any document showing name of the person in whose name gas meter is installed. Learned counsel has referred to the tenancy agreement available at page 49 of file, executed between Nasrullah Khan and Shahbaz Ali to support his contentions.

3. On the other hand, learned Spl: Prosecutor of SSGC has opposed grant of bail to the applicant and states that no malafide on the part of the complainant has been shown by the applicant to falsely implicate him in the case. The tenancy agreement is a manipulated document as no such record during investigation was submitted by the applicant. He has further informed that purported owner of the property, shown in the tenancy agreement is real brother of applicant.

4. I have considered the submissions of the parties and perused the material available on record. Applicant's stance that he is not owner of the property is not borne out of the investigation. Although applicant was granted pre-arrest bail by the trial Court while investigation was given on but he did not produce the tenancy agreement to the Investigating Officer. Production of this document at this stage is irrelevant insofar as deciding the bail application is concerned. Particularly when it has been informed that the owner shown in the said tenancy agreement is brother of the applicant, the chances of its falsely preparation cannot be ruled out. In the circumstances, the applicant is not entitled to extra ordinary relief of the pre-arrest bail as because also he has failed to establish that he has been falsely implicated in the offence that is punishable up-to ten years. Resultantly, I see no merits in the instant bail application, which is dismissed.

JUDGE

Rafiq/P.A

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.192 of 2016

Date	Order with signature of Judge
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For hearing of Bail Application.

28.04.2016.

Mr. Zulfiqar Ali Solangi, Advocate for applicant

Ms. Seema Zaidi, A.P.G.

Ms. Aalya Zaidi associate of Mr. Abdul Wahab Baloch, Advocate for complainant

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MUHAMMAD IQBAL KALHORO J: Applicant is seeking post arrest bail in crime No.444/2015 registered on 09.10.2015 at Police Station Defence, Karachi U/s 489-F PPC.

2. Allegations against the applicant are that he had sold the complainant fake and fictitious files of plots in DHA Phase-VII against the sum of Rs.92,00,000/- in the capacity of property dealer and when the said files

were found fake and fictitious, the complainant demanded from him his money. And allegedly he returned Rs.41,00,000/- and regarding remaining amount, he issued cheques to the complainant, which were dishonored.

3. Learned counsel for applicant has argued that the case of the applicant is one of further enquiry; that the offence does not fall within the prohibitory clause of section 497 (i) Cr. P.C.; that the major portion of the amount has been returned; that the case has been challaned, and now the applicant is no more required for further investigations; that the applicant is in jail since the time of his arrest. Learned counsel in support of his case has relied upon the case laws reported in 2009 P Cr. L J 1418 and 2009 S C M R 1488.

4. Learned A.P.G. has opposed the grant of bail to the applicant and has argued that after arrest of applicant various false files of DHA plots were recovered from him, which were sent to the DHA for verification and were reported to be false and fictitious. The applicant is habitual in defrauding the people as in similar type of cases various FIRs have been registered against him.

5. I have considered the submissions of the parties and perused the material. Fact of applicant's issuing cheques to the complainant is part of the record, which has not been denied. The only grounds taken by the applicant is that the offence does not fall within the prohibitory clause of Section 497(i) Cr. P.C. and he is behind bars since the time of his arrest. Merely on these grounds the applicant cannot be extended concession of bail. Prime-facie there is sufficient evidence to connect him with the crime. And the record contains details of many other fictitious files of plots of DHA, which were recovered from him. Applicant is reported to be involved in the other cases of similar. In the circumstances, I am of view that he does not deserve to be granted concession of bail. Accordingly the instant bail application is dismissed. However, learned trial court is directed to expedite the trial and conclude the same preferably within a period of three months. The applicant may repeat his bail application if within stipulated period the trial is not concluded.

The observations made hereinabove are tentative in nature and would not prejudice the case of either party at trial.

JUDGE

Rafiq/P.A

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P. NO.S-874 of 2014

Date	Order with signature of Judge
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For hearing of C.M.A. No.7970/2015 (contempt)

28.03.2017.

Mr. Ali Azad Salim, advocate for petitioner
Mr. Malik Altaf Javed, advocate for alleged contemnor No.7.

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This petition was filed against the alleged harassment caused to the petitioner by the respondents in the backdrop of his tenancy-dispute with respondent No.5, the landlord, on the ground that the respondent No.5 wanted to dispossess him from the premises through police officials / respondents without adopting due course of law. This petition was disposed of vide order dated **30.06.2014**, when respondent No.5 appeared in the Court and made a statement that neither he had caused any harassment nor he intended to cause any harassment to the petitioner, and further that he did not intend to get the demised premises vacated from the petitioner or his family without adopting due course of law. However, after disposal of this petition, the petitioner filed an application bearing CMA No.4344/2014 on **14.07.2014** informing that the petitioner was detained in the house and his son was taken away by the police official/respondents at the instance of respondent No.5, and while he was in custody, a seemingly compromise application was made to be filed in the Suit No.417/2014, which was instituted by the petitioner through his son seeking relief of permanent injunction against his forced eviction by respondent No.5 and under the garb of that compromise application, the demised premises was got vacated from him under coercion. On such application, this Court appointed Nazir of this Court as Commissioner to visit the premises and report, who in compliance whereof submitted the report stating, *inter-alia*, that he was not allowed to visit the said premises. After perusing the report and the application of the petitioner, this Court vide order dated **17.07.2014** appointed learned District & Sessions Judge, East, Karachi to hold inquiry into the allegations. In compliance of the said order, learned District & Sessions Judge, East, Karachi submitted the report on **14.10.2014** concluding that the demised premises was got vacated from the petitioner after causing arrest of his son in a case which after eviction was disposed of under "C" class. This conclusion, prima facie, appears to be contrary to the statement made by the petitioner before this Court on the basis of which this petition was disposed

of. After filing of listed application for contempt, vide order dated **12.02.2016** the petitioner's counsel was put on notice to satisfy the Court on the maintainability of the same.

Learned Counsel for the petitioner has argued on the said point and has gone through several orders passed in this petition as well as report of the learned District & Sessions Judge, East, Karachi to emphasize that the listed application is maintainable.

On the other hand, learned counsel for the alleged contemnor No.5 has stated that this petition was basically filed against the harassment allegedly caused to the petitioner by the police officials and not by the respondent No.5, and no relief was sought against him, therefore, this application is not maintainable against him; that the demised premises was got vacated through a compromise, which is evident from the order of learned Civil Judge, reproduced in the inquiry report by learned Sessions Judge; and no coercion was employed by the respondent No.5 in this regard. He further states that earlier also contempt application was filed but since it was withdrawn, the present application is not maintainable. In support of his contentions, he has relied upon the case laws reported in 2003 CLC 189.

I have heard submissions of learned counsel for the parties and perused the material available on record as well as report of learned District & Sessions Judge, East, Karachi along-with case law cited at the bar. This petition was disposed of after the categorical statement made by the respondent No.5 that he would not dispossess the petitioner without adopting due course of law but then apparently through an arrangement he got the son of the petitioner arrested and then in return of his release, he was able to get the premises vacated from the petitioner. This fact is also evident from the inquiry report of learned District & Sessions Judge, East, Karachi. In my view, prima facie, the contempt of order dated **30.06.2014** has been committed by the alleged contemnors No.3, 4 & 7. Let a show-cause notice to the alleged contemnors No.3, 4 & 7 that as to why contempt proceedings shall not be initiated against them be issued for **12.04.2017**.

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
C.P. No.S-469 of 2010

Date	Order with signature of Judge
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1. For orders on CMA No.212/2012

2. For orders on CMA No.954/2011
3. For hearing of CMA No.2194/2010
4. For hearing of Main Case

Syed Wasi Hyder Jafferi, advocate for petitioner
Mr. Shehnsah Hussain, advocate for respondent

ORDER

MUHAMMAD IQBAL KALHORO J: Petitioner has assailed the judgment dated **17.03.2012** passed by the learned 4th Additional District Judge Karachi South in First Rent Appeal No.1273/2001 dismissing the appeal of the petitioner and confirming the order dated **28.04.1999** passed by learned Rent Controller in Rent Case No.1933/1996 filed by respondent No.1. The respondent filed the said Rent Case against the petitioner for ejectment in respect of Shops No. 29 and 30 situated on the Ground Floor, Hotel Metropolitan Building on the grounds of default and conversion of the said shops into godowns thereby impairing their value. The said rent case was decided in favour of the respondent, and the petitioner was directed to vacate the demised premises within 60 days. The appeal filed by the petitioner against the said ejectment order has also been dismissed as stated above. Feeling aggrieved by the impugned judgment and order, the petitioner has preferred this Constitutional Petition.

2. The record reflects that in the rent case the parties led their evidence and in all two witnesses from each side were examined. Both the Courts below in their Judgments have thoroughly referred to and discussed evidence adduced by the parties. The respondent in his rent case has alleged default in payment of rent by the petitioner from November, 1993 to October, 1996 amounting to Rs. 54,792/- and electricity arrears amounting to Rs. 10,077/-; and that the petitioner has shifted his business to another place and has converted the demised premises into godowns without its consent thereby impairing value and utility of the suit premises. The petitioner in its written reply has denied committing default in payment of rent and has further stated that it started depositing the rent in the Court in MRC No.1970/1982 since April, 1982 after the respondent had refused to receive the same. The petitioner has also denied to have committed default in respect of electricity consumption charges and has further stated that it was normal practice to pay electricity consumption charges of various periods together, and such payments were always accepted by the respondent without any objection. It has also been denied by the petitioner that the premises were converted into godowns without consent of the respondent and their utility and value have been impaired.

3. Learned counsel for the petitioner during his arguments stated that the judgments of the two courts below were based on misinterpretation of law and misreading and non-reading of oral as well as documentary evidence; that the impugned Judgments were based on material extraneous to the pleadings of the parties; that the two courts below had not given any cogent reasons in support of their findings in the impugned Judgments, therefore, the same were liable to be set-aside; that before the appellate Court two applications for recording of additional evidence and one application for contempt of Court order were filed but the appellate court without attending to these applications dismissed the appeal, which was against the well settled principles of law and on that point the impugned judgment of the appellate Court was liable to be set-aside and the case remanded back for the purpose of re-hearing; that the petitioner never committed default in payment of rent as from the very inception after refusal of the respondent to receive the rent, the petitioner started depositing rent in the Court in MRC, and which the respondent had been withdrawing. According to learned counsel, the withdrawal of the rent by the respondent from the Court would amount to consent of the respondent over depositing of the rent in the Court, therefore, the respondent would not be allowed to subsequently stress on the requirement of Section 10 of Sindh Rented Premises Ordinance, 1979 ('SRPO). Learned Counsel also contended that the tenements were still being used by the petitioner and were not rendered useless as alleged by the respondent; that still various articles of the petitioner were available in the tenements, which were being used as godowns-cum-office. Learned counsel also contended that since both the Courts below had not appreciated properly evidence and had wholly ignored the relevant law resulting into miscarriage of justice, this Court under the constitutional jurisdiction was competent to interfere in the concurrent findings of the two Courts below. In support of his contentions, learned counsel has relied upon the case laws reported in PLD 1967 SC 402, 2001 SCMR 338, 2003 CLC 1631, 2006 CLC 5, PLD 1962 SC 102, 1989 SCMR 34, PLD 2011 Karachi, PLD 2011 Lahore 42, 1996 SCMR 669 and 1993 CLC 334.

4. On the other hand, learned Counsel for the respondent supported the impugned judgments and emphasized that in the constitutional jurisdiction normally the concurrent findings of the Courts below on facts could not be disturbed unless the same were shown to be based on mis-appreciation and non-reading of evidence but in the present case no such material was available to justify interference by this Court. Learned counsel also stated that mere a proposition that upon perusal of evidence of the parties, this Court could come to a different conclusion would not furnish a valid ground for this Court to interfere in the order of the Appellate Court, which under the

rent laws was considered as final authority. In support of his contentions, learned counsel has relied upon the case laws reported in 2010 SCMR 1925, PLD 1981 SC 246 and 2001 SCMR 1140.

5. After hearing the counsel for the parties and perusing the material available on record including the case laws cited at the bar, this petition was dismissed vide short order dated **28.03.2017**; and following are the reasons in support thereof.

6. The record reflects that the rent case was filed by the respondent in November, 1996 wherein the respondent has alleged default in payment of rent for the last three years against the petitioner, and has further stated that petitioner without first tendering the rent to the respondent and without any refusal on its part to receive the rent started depositing rent in the Court in violation of scheme provided under Section 10 of SRPO, 1979. The petitioner, however, in its written reply has denied these facts. In support of their respective assertions, both the parties have adduced evidence before the Rent Controller. A perusal of the impugned judgment and order would reveal that both the Courts below have thoroughly and exhaustively attended to the evidence of the parties and have held the petitioner to be defaulter in payment of rent for the above stated period. The stance of the petitioner throughout the proceedings has been that it was depositing the rent in the Court in MRC, which the respondent had been withdrawing, therefore, no default on its part in payment of rent could be presumed or read in such situation. It may be mentioned here that the ground of the respondent in the rent case was not that the petitioner was not depositing the rent in the Court but the respondent has stated that without any refusal on its part to receive the rent, the petitioner started depositing the rent in the Court, which was in violation of provision under Section 10 of SRPO, 1979. And in the said backdrop, both the Courts below have thrashed out the evidence of the parties besides attending to the relevant laws and have concluded that the petitioner had failed to establish refusal by the respondent to receive the rent and thereafter adopting the mode of remitting the rent through money order to justify depositing the rent in the Court. It has also been held that unless the above was established the direct deposit of the rent in the Court would not be considered a valid tender, and on this point learned Appellate Court has relied upon the case law reported in 2001 SCMR 1140. Although learned counsel for the petitioner during arguments emphasized that since the rent deposited in the Court was withdrawn by the respondent, the same could not be declared as invalid tender of the rent. I, however, do not find myself in agreement with his contention, because merely withdrawing the rent by the landlord deposited by the tenant in the Court would not make the act of direct depositing the rent as a valid tender. The direct deposit of rent in the Court,

and its withdrawal by the landlord are two different things and would be viewed separately from each other insofar as their consequences in law are concerned. Such withdrawal by the landlord would not mean that the landlord would be stopped from pressing his ground of default subsequently by referring to violation of scheme under Section 10 SRPO, 1979. Because the scheme provided under Section 10 SRPO, 1979 is a legal requirement which the tenant has to fulfill before approaching the Court for payment of the rent. Before depositing the rent in the Court, the tenant is required to approach the landlord first and tender him rent and when he refuses or avoids to accept the rent, the same shall be sent to him through money order and only after his refusal to receive the rent through money order, the tenant would be justified to deposit the rent in the Court, but if such course is not adopted by the tenant and he proceeds to deposit the rent in the Court directly, it would not be considered a valid tender of the rent on his part and such deposit of the rent would not save him from being declared defaulter for the relevant period. Therefore, merely depositing the rent by the petitioner in the Court in MRC No. 1970/1982 without first adopting the course provided under Section 10 of SRPO, 1979 would not protect it from being a defaulter for the period alleged against it in the rent case.

7. The record also reflects that the other grounds that the demised tenements were converted from shops to godowns also appears to have been established. Both the Courts below after attending to the evidence of the parties have concluded that the premises in question are being used as godowns although the same were let out for the office purpose. The learned Rent Controller while dealing with this issue has observed that respondent had produced photographs showing that the shops in question were in Hotel Metropolitan situated in the very expensive area, therefore, the petitioner's using them as godowns had impaired value of the said two shops. Although learned counsel for the petitioner in his arguments stressed that both the Courts below had misread the evidence in this regard and their findings were not based on any cogent reasons but he could not point out to any apparent illegality in appreciation of evidence on this point; or any piece of evidence which was ignored by the two Courts below. It may be mentioned here that in constitutional jurisdiction concurrent findings on the facts of the case would not be upset unless it is shown that the same are based on some extraneous material or were outcome of misreading or non-reading of the evidence. It would also be relevant to note here that mere fact that a different conclusion could be possible on reevaluation of the evidence would not make it a case for interference in the constitutional jurisdiction of this Court.

8. As regards to the contention of the Counsel for the petitioner that learned Appellate Court was not competent to decide the appeal filed by the

petitioner during pendency of three applications filed by it, it may be stated here that although the petitioner filed these applications in the appeal but the record does not reflect that after filing of the same the petitioner at any occasion tried to press the applications and get the same decided on merits. Such indifferent approach of the petitioner to those applications would lead to show its lack of interest to the disposal of said applications on the merits. More so although, the learned counsel put much emphasis on the pendency of above stated three applications, but he could not establish as to how he was prejudiced due to non-decision of those applications. Because the issue involved in the present case mainly was as to whether the tender of rent by the petitioner in the Court without adopting the course provided under Section 10 of SRPO, 1979 was valid or not, and which admittedly, in absence of any record of refusal and the money order, could not have been decided in favour of petitioner. Oftenly, it is noted, the parties in the pleadings file several applications to cause delay in the proceedings and do not press them for decision on merits. Therefore, merely the pendency of the applications, which are not pressed by the relevant party, would not render the decision of the court invalid particularly when the Court has adverted to the entire material on the record and has decided all the issues disputed by the parties.

9. In view of such facts and circumstances, I see no reason to interfere in the concurrent findings recorded by both the Courts below against the petitioner. Consequently, this petition is dismissed along-with listed applications.

JUDGE
DATED:31.03.2017

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Appeal No.238 of 2007

Date _____ Order .with signature of Judge _____

For hearing of Main Case

27.07.2017

Ms. Rahat Ahsan, Addl: P.G.

Appellant, who is on bail is called absent without any intimation. Let non-bailable warrants ('NBWs') against the appellant, and notice to his surety be issued for **24.08.2017**.

Judge

Rafiq/P.A.

**IN THE HIGH COURT OF SINDH AT KARACHI.
Crl. Bail Application No.809 of 2017**

For hearing of Bail Application

31.07.2017

Mr. Muhammad Imran Khan, Advocate for the applicant
Ms. Rahat Ahsan, Addl: P.G. a/w I.O. Mansoor Ahmed Jatui Assistant Director, Anti-Corruption Establishment, H.C. Abdul Sami Rahoojo.

ORDER

Muhammad Iqbal Kalhoro,J. Applicant is accused in crime No.22/2017, registered on **26.04.2017** at Police Station ACE, Karachi, U/s 420, 468, 471, 34 read with Section 5(2) Act II, 1947.

2. Allegations against the applicant are that he was Treasurer in a fake housing scheme namely M/s. Sehat City Cooperative Housing Society Ltd., Karachi and while working in that capacity he along with co-accused cheated the public at large by ostensibly selling and transferring plots for Rs.300,000/- to Rs.400,000/-. It is further alleged that during the raid proceedings conducted by the Anti-Corruption Establishment, the record of said Society viz. land documents, general ledger, membership register, cash book, share certificate, approval layout and some Photostat copies of file of the plots were secured from the applicant, Deedar Ali.

3. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that although his name is mentioned in the FIR along with co-accused but no specific role has been attributed against him and no incriminating evidence against him has been collected by the prosecution so far.

4. On the other hand, learned Addl: P.G. has opposed grant of bail to the applicant.

5. In this matter I.O. has also been heard. He has admitted that, he has not been able to collect any further material against the appellant except

allegations against him in the FIR. The record does not show either that I.O. of the case has been able to collect any material showing any benefit beyond the usual one received by the applicant while allegedly working as Treasurer in the said fake housing scheme. The I.O. in reply to a query states that during investigation he has not been able to find out any bank account or the property accumulated by the applicant in the capacity of Treasurer of alleged fake housing scheme either on his name or on the name of any of his family member. The I.O. further admits that he has not recorded statement of any person under Section 161 Cr. P.C. who has allegedly been defrauded, nor any such person is stated to have come forward to record his grievance against the applicant. The I.O. has informed that the bank account of the said fake housing scheme was being jointly operated by co-accused namely Abdullah Gachal Abro, Kavar Amir and Sami, and not by the applicant. In view of aforesaid circumstances coupled with the fact that the case of the applicant is on different footings than the case of other co-accused nominated in the FIR, who allegedly used to run materially said fake housing society, the applicant is granted bail subject to furnishing a solvent surety in the sum of Rs.20,00,000/- (Two hundred thousand) and P.R bond in the like amount to the satisfaction of the trial Court.

6. The Bail Application stands disposed of; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.338 of 2016

Date	Order with signature of Judge
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For hearing of Bail Application.

27.05.2016.

Mr. Irshad Ali Bhatti, Advocate for the applicant.
Mr. Muzaffar Hussain Solangi, ADDPP

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MUHAMMAD IQBAL KALHORO J: Applicant is in jail as an accused in crime No.26 of 2016, registered on 20.01.2016 at Police Korangi, U/s 394 & 34 PPC , and is seeking relief of bail through this application.

2. Allegations against him are that on the day of incident he along-with co-accused, namely, Muhammad Tahir committed robbery from the factory,

when the complainant and others were working as labours. During the commission of robbery, he also fired at the brother of the complainant, namely, Noman, which hit him on his abdomen. The labours are alleged to raise resistance, as a result of which applicant was arrested from the spot, and thereafter the present FIR was registered against him.

3. Counsel for the applicant states that the applicant is innocent and has been falsely implicated in this case; that there are contradictions in the FIR as well as statements of PWs recorded under Section 161 Cr. P.C.; that it is not clear that who had fired upon the brother of the complainant; that challan has been submitted, and the applicant is no more required for further investigation. Learned counsel in support of his contentions, he has relied upon the case laws reported in 2012 YLR 509 and 2011 MLD 1237.

4. On the contrary, the learned DDPP has opposed this application.

5. I have considered the submissions and perused the material available on record. A perusal of FIR shows that applicant was arrested from the spot and from him the crime weapon i.e. Pistol was recovered; apart from that some other robbed articles. All the PWs have supported the version of FIR. The minor contradictions, which have been referred by the counsel for the applicant have no adverse effected from the offence on the case of the prosecution. Learned counsel has not able to point out any material contradiction, and in statements of the PWs and FIR, which makes the case against the applicant one of further enquiry. There is sufficient evidence available against the applicant to connect him with the commission of the offence. Therefore, no case is made out for grant of bail. In these circumstances, while dismissing the instant bail application of the applicant. I would like to direct the learned trial court to expedite the trial and conclude the same preferably within a period of six months.

6. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

Rafiq/P.A

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI.
Crl. Bail Application No.598 of 2016**

For hearing of Bail Application

27.05.2016

Mr. Zahir Hussain Bughio, Advocate for the applicant
Mr. Muzafar Hussain Solangi, ADPP.

MUHAMMAD IQBAL KALHORO, J:- Applicant is in jail as an accused in crime No.33 of 2016, registered on 26.03.2016 at Police Station Gharo, U/s 9/C CNC Act, and is seeking relief of bail through this application.

2. The contents of FIR show that he was arrested on the spy information from Jungle of Devi Bushes in Ali Town at 0600 on 26.03.2016, and from him 1300 grams of charas and 300 grams of opium were recovered. In pursuant to which he was arrested, and the present FIR was registered against him.

3. Counsel for the applicant states that the applicant is innocent and has been falsely implicated in the case due to some enmity with the police officials and to support his contentions he has placed on record an application moved by the wife of the applicant against the police officials. He also contends that prosecution story does not inspire confidence as it is improbable that in the early hours of morning, the applicant would be selling charas in the jungle. He further contends that the investigation is completed, and applicant is no more required for further investigation. Learned counsel in support of his contentions has relied upon the case laws reported in 2012 YLR 290, 2011 YLR 2316, SBLR 2016 Sindh 676, 2016 P Cr. LJ 730, 2011 YLR 1723, 2009 P Cr. LJ 1340, 2007 P Cr. LJ 89 and 2008 P Cr. LJ 1449.

4. Learned DDPP has opposed this application.

5. I have heard the parties and perusal the material available on record. The applicant has alleged enmity against the police officials and in view of that his arrest in the early hours of morning at about 0600 hours from the Jungle selling the narcotics is not free from doubt. The investigation has been completed, and the applicant is no more required for further investigation. The case of the prosecution is border line case in between Section (b) and (c) 9 of Section of CNS Act, 1997 and in such circumstances, this court's constant view has been to grant bail to the accused. Accordingly, applicant is granted bail subject to his furnishing a

solvent surety in the sum of Rs.1,00,000/ (Rupees one lac) with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

6. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P. No.S-547 of 2011

Date	Order with signature of Judge
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1. For orders on CMA No.1224/2011
2. For hearing of CMA No.270/2011
3. For hearing of Main Case

27.04.2016.

None present for petitioner
Mr. Zahid Farooq, Advocate for respondent No.1

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Counsel for the petitioner is called absent. Learned counsel has informed that for the last several years petitioner is not producing the minors and he has drawn my attention to the order dated 20.05.2011, whereby, the operation of search warrants issued for production of the minor by the trial Court was suspended. He states that because of suspension of the search warrants the executing court is not proceeding with the execution application. He also requests that petitioner's counsel is not appearing and petition may be dismissed in non-prosecution.

History shows that the said interim order was to be effective till next date of hearing, and thereafter has never been extended. In these circumstances, there is no impediment before the respondent to press for his execution application in accordance with law. As regards the request of the learned counsel that petition may be dismissed in non-prosecution, I do not agree with such suggestion. Let intimation notice be issued to the petitioner for the next date of hearing.

Adjourned to 19.05.2016.

JUDGE

Rafiq/P.A.

History of the case shows that for last various dates nobody is appearing on behalf of the Applicant. Today also none is in attendance on behalf of the applicant. No intimation has been received. It appears that the applicant has lost interest in the instant Bail Application, which is dismissed for non-prosecution.

JUDGE

A.K.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.181 of 2013

Date	Order with signature of Judge
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For hearing of Bail Application.

07.04.2016.

Mr. Zakir Leghari Advocate for the Applicant.
Mr. Ghulamullah Chang Advocate for complainant.
Mr. Zahoor Ahmed Shah APG.

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Mr. Chang appearing on behalf of the complainant points out that the accused Pir Qamar Zaman Shah, for whose cancellation of bail, he has filed application, is not present despite notice. Mr. Zakir Leghari Advocate undertakes to file vakalatnama on behalf of said accused Pir Qamar Zaman before next date.

By consent adjourned to 03.05.2016, when respondent Pir Qamar Zaman is directed to be present.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.1019 of 2012

Date	Order with signature of Judge
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For hearing of Bail Application.

07.04.2016.

Applicant in person.
Mr. Zahoor Ahmed Shah APG.

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Learned A.P.G is not prepared to argue this Application for want of police papers. It is sorrow state of affairs as this Bail Application is pending since 2012. He is directed to prepare all necessary papers till next date.

Adjourned to 14.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P. No.S-1200 of 2015

Date	Order with signature of Judge
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For orders on Nazir's report dated 30.01.2016.

07.04.2016.

Mr. Muhammad Rasheed Ahmed Bohio Advocate files vakalatnama on behalf of the Petitioner
Mr. Taqdeer Ali Advocate for respondent No.1.
Mr. Zahoor Ahmed Shah APG.

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This petition was filed by the petitioner for recovery of her child from the custody of the respondent No.1, who is her Ex-husband.

Pursuance of the notices, respondent No.1 produced the minor and vide order dated 13.08.2015, custody was handed over to the petitioner and then vide order dated 07.09.2015, she was directed to bring the minor in the office of Nazir of this court on every 15 days from 10.00 a.m. to 12.00 Noon so that the respondent No.1 may meet with his son. Respondent No.1 was, however, directed to incur transport charges of Rs.2000/- to be paid to the petitioner.

Today I have been informed that in Family Suit No.81/2015, the petitioner has been granted "Khula" by the court of Xth Civil / Family Judge Karachi (S) and she is in Iddat period right now.

The complaint of the respondent No.1 is that in compliance of the order dated 07.09.2015, the petitioner is not producing the minor for meeting purpose. Accordingly, petitioner is hereby once again directed to comply the above order and produce the minor after every 15 days on Saturday from 10.00 a.m. to 12.00 Noon for his meeting with the respondent No.1, who will have to incur charges of Rs.2000/- for transport. However, for permanent custody, the respondent No.1 may file an application under the Guardian and

Wards Act before the competent court of law and till that application is decided, this arrangement shall continue.

In the above terms, instant petition is disposed of.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P. No.S-520 of 2003

Date	Order with signature of Judge
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1. For hearing of CMA 2754/2004.
2. For hearing of CMA 1562/2004.
3. For hearing of CMA 2009/2003.
4. For hearing of main Case

07.04.2016.

Mr. Moin Azhar Advocate for respondent No.1.

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Mr. Asif Ali Advocate holding brief for Mr. Munir ur Rehman advocate for the petitioner seeks adjournment on the ground that latter is busy before another Bench.

This is a rent matter pending since 2003. Case history shows that almost on each and every date of hearing, counsel for the petitioner is seeking adjournment. Counsel for the respondent No.1 has shown his anxiety to proceed with the matter on the ground that matter is sufficiently old. In view of his objection, matter is adjourned to 19.04.2016 with note of caution that counsel for the petitioner shall proceed with the matter on next date, in case of his failure, appropriate order will be passed in accordance with law.

JUDGE

A.K

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P. No.S-144 of 2008

Date	Order with signature of Judge
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1. For orders on office objection.
2. For orders on CMA 1011/2008.
3. For hearing of main Case

07.04.2016.

Mr. Muhammad Naveed Qureshi advocate for the respondent No.1.

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Mr. Masood Ali Advocate holding brief for Mr. Raja Qasit Nawaz advocate for the petitioner requests for a date. It appears that on the last date of hearing, adjournment was sought by the petitioners' counsel on the ground of his ailment and the matter was adjourned with a note of caution that this matter shall be proceeded today without fail. Learned counsel for respondent No.1 has informed that this petition is against the interim order passed by the Rent Controller and is pending since 2008.

Case is adjourned to 12.04.2016. As a last chance and In case on any ground, counsel for the petitioner does not proceed with the matter, the interim order passed by this court will automatically stand vacated.

Interim order passed earlier to continue till next date.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C. P. No.S-1189 of 2010

Date	Order with signature of Judge
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1. For orders on CMA 5299/2012.
2. For hearing of CMA 2478/2011.
3. For hearing of CMA 5542/2010.
4. For hearing of main Case

07.04.2016.

Mr. Moint Azhar advocate for the respondents.

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Syed Ahsan Raza advocate holding brief for Mr. Muhammad Ilyas advocate for the petitioner request for adjournment. At his request adjourned to 21.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

IInd Appeal No.51/2012

Date	Order with signature of Judge
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1. For hearing of CMA 1999/2012.
2. For hearing of CMA 2000/2012.
3. For hearing of CMA 2001/2012.
4. For hearing of CMA 4019/2015.
5. For hearing of CMA 4020/2015.
6. For hearing of main Case

07.04.2016.

Ms. Rakshanda State counsel.

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Mr. Muhammad Naveed Baig Advcate holding brief for Mr. Muhammad Umar Lakhani advocate for the appellat request for adjournment.

Adjourned. Interim order to continue till next date.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P. No.S1945 of 2015

Date	Order with signature of Judge
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1. For orders on CMA 1688/2016.
2. For orders on CMA 1689/2016.
3. For orders on CMA 7926/2015.
4. For hearing of main Case
5. For orders on CMA 7927/2015.
6. For orders on CMA 7928/2015.

07.04.2016.

Mr.Mehmood A. Baloch Advocate for respondent No.1.

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Order dated 30.03.2016 shows that as per office note this matter was fixed in court on 05.05.2016, however, on the application of the respondent No.1, matter was ante dated and was fixed for today viz. 07.04.2016 at 11.00 a.m. Notice was also issued to the petitioner for today. There is nothing on record to show that for today, the petitioner or his counsel have been served.

Let this matter be fixed on 28.04.2016 with intimation notice to the counsel for the petitioner. Interim order to continue till next date.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.445 of 2016

Date	Order with signature of Judge
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For hearing of Bail Application.

07.04.2016.

Mr. Zahoor Ahmed Shah APG.

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Applicant and his counsel called absent without any intimation. Issue notice to the surety of the applicant for 26.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.395 of 2016

Date	Order with signature of Judge
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1. For orders on MA 3295/2016.
2. For orders on office objection.
3. For hearing of Bail Application.

07.04.2016.

Mr. Asad Rizvi Advocate for the applicant.

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Urgent application is granted.

Learned counsel states that similar matters are placed before another Bench on 11th April, 2016. He request for such date. At his request adjourned to 11.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Appeal No.14 of 2013

Date	Order with signature of Judge
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For hearing of Bail Application u/s 426 Cr.P.C MA 308/2013.

07.04.2016.

Mr. M. Ashraf Kazi Advocate for the appellant
Mr. Umar Siyal Advocate for the complainant.
Mr. Zahoor Ahmed Shah APG.

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By consent adjourned to 15.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.400 of 2016

Date	Order with signature of Judge
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1. For orders on office objection.
2. For orders on MA 3167/2016.
3. For hearing of Bail Application.

07.04.2016.

Mr. Naseem Akhtar Advocate for the Applicant
Mr. Zahoor Ahmed Shah APG.
Mr. Sadat Khan Special Prosecutor SSGC.

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Learned Special Prosecutor SSGC seeks time to prepare the brief on the ground that he has received copy of Bail Application today. At his request matter is adjourned to 28.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.262 of 2016

Date	Order with signature of Judge
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For hearing of Bail Application.

07.04.2016.

Mr. Qaim Ali Advocate for the applicant
Mr. Zahoor Ahmed Shah APG.

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Learned counsel for the applicant states that applicant has also filed Bail Application bearing No.261/2016 in main case for an offence u/s 392 PPC which is also pending before this court. He requests that both the matters be taken up together. Order accordingly.

Adjourned to 27.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.1314 of 2015

Date	Order with signature of Judge
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For hearing of Bail Application.

07.04.2016.

Mr. Niaz Muhammad Ghumro Advocate for the applicant
Mr. Chensar Khan Advocate for the complainant.
Mr. Zahoor Ahmed Shah APG.

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JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Appeal No.427 of 2011

Date	Order with signature of Judge
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1. For orders on MA 3301/2016.
2. For orders on MA 3068/2016.

07.04.2016.

Mr. M.A Qazi Advocate for the applicant/surety

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1. Granted.
2. By means of this application, the applicant namely Muhammad Aslam Baloch is seeking directions for returning the R & Ps of Sessions Case No. 496/2006 lying in the instant appeal filed against the conviction vide Judgment dated 18.10.2011 as he stood surety of the appellants before the trial court which has already ended and now the surety papers are no more required and he is in need of surety papers but because the R & Ps are lying before this court, he cannot get back the same from the trial court.

Learned A.P.G appearing on behalf of the State in other matters waives notice of this application and record his no objection.

Accordingly, this application is allowed, in the terms whereby R & Ps of the above case lying before this court be sent to the learned trial court for one week so that the applicant/surety may file application for return of surety papers and thereafter the same be returned back to this court and be tagged with the above appeal.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.317, 318 & 319 of 2016

Date	Order with signature of Judge
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1. For orders on MA 3223/2016.
2. For orders on MA 3224/2016.

07.04.2016.

Mr. Asif Ali Pirzada Advocate for the applicant
Mr. Muhammad Qasim Standing Counsel.

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1. Granted.
2. By means of this application, the applicant is seeking return of surety papers on the ground that he stood surety for accused in the present Bail application in terms of order dated 07.03.2016, whereby the applicants were granted protective bail for a period of seven days, during which they surrendered before the trial court. In support of such ground, he has placed on record, certificate issued by Special Judge, Anticorruption (Central) Hyderabad confirming the above facts.

Learned Standing counsel after going through the record, recorded his no objection.

Accordingly, instant application is allowed. Let surety papers be returned to the applicant/surety on proper verification and identification.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P. No.S-741 of 2013
C.P.No.S-742 of 2013

Date	Order with signature of Judge
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FOR ORDERS AS TO NON-PROSECUTION OF
CMAs Nos. 1474, 1475 and 1475/2016

27.04.2016.

None present for petitioner

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Record reflects that this petition was dismissed in non-prosecution on 12.11.2015 and on 29.02.2016 petitioner filed restoration application but since then petitioner is not taking interest to pursue this application. On the last date of hearing no one was present and matter was adjourned in the interest of justice. Today also no one is present and no intimation has been received. The listed applications are dismissed for non-prosecution.

JUDGE

Rafiq/P.A.

History of the case shows that for last various dates nobody is appearing on behalf of the Applicant. Today also none is in attendance on behalf of the applicant. No intimation has been received. It appears that the applicant has lost interest in the instant Bail Application, which is dismissed for non-prosecution.

JUDGE

A.K.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.181 of 2013

Date	Order with signature of Judge
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For hearing of Bail Application.

07.04.2016.

Mr. Zakir Leghari Advocate for the Applicant.
Mr. Ghulamullah Chang Advocate for complainant.
Mr. Zahoor Ahmed Shah APG.

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Mr. Chang appearing on behalf of the complainant points out that the accused Pir Qamar Zaman Shah, for whose cancellation of bail, he has filed application, is not present despite notice. Mr. Zakir Leghari Advocate undertakes to file vakalatnama on behalf of said accused Pir Qamar Zaman before next date.

By consent adjourned to 03.05.2016, when respondent Pir Qamar Zaman is directed to be present.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.1019 of 2012

Date	Order with signature of Judge
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For hearing of Bail Application.

07.04.2016.

Applicant in person.
Mr. Zahoor Ahmed Shah APG.

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Learned A.P.G is not prepared to argue this Application for want of police papers. It is sorrow state of affairs as this Bail Application is pending since 2012. He is directed to prepare all necessary papers till next date.

Adjourned to 14.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P. No.S-1200 of 2015

Date	Order with signature of Judge
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For orders on Nazir's report dated 30.01.2016.

07.04.2016.

Mr. Muhammad Rasheed Ahmed Bohio Advocate files vakalatnama on behalf of the Petitioner
Mr. Taqdeer Ali Advocate for respondent No.1.
Mr. Zahoor Ahmed Shah APG.

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This petition was filed by the petitioner for recovery of her child from the custody of the respondent No.1, who is her Ex-husband.

Pursuance of the notices, respondent No.1 produced the minor and vide order dated 13.08.2015, custody was handed over to the petitioner and then vide order dated 07.09.2015, she was directed to bring the minor in the office of Nazir of this court on every 15 days from 10.00 a.m. to 12.00 Noon so that the respondent No.1 may meet with his son. Respondent No.1 was, however, directed to incur transport charges of Rs.2000/- to be paid to the petitioner.

Today I have been informed that in Family Suit No.81/2015, the petitioner has been granted "Khula" by the court of Xth Civil / Family Judge Karachi (S) and she is in Iddat period right now.

The complaint of the respondent No.1 is that in compliance of the order dated 07.09.2015, the petitioner is not producing the minor for meeting purpose. Accordingly, petitioner is hereby once again directed to comply the above order and produce the minor after every 15 days on Saturday from 10.00 a.m. to 12.00 Noon for his meeting with the respondent No.1, who will have to incur charges of Rs.2000/- for transport. However, for permanent custody, the respondent No.1 may file an application under the Guardian and

Wards Act before the competent court of law and till that application is decided, this arrangement shall continue.

In the above terms, instant petition is disposed of.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P. No.S-520 of 2003

Date	Order with signature of Judge
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5. For hearing of CMA 2754/2004.
6. For hearing of CMA 1562/2004.
7. For hearing of CMA 2009/2003.
8. For hearing of main Case

07.04.2016.

Mr. Moin Azhar Advocate for respondent No.1.

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Mr. Asif Ali Advocate holding brief for Mr. Munir ur Rehman advocate for the petitioner seeks adjournment on the ground that latter is busy before another Bench.

This is a rent matter pending since 2003. Case history shows that almost on each and every date of hearing, counsel for the petitioner is seeking adjournment. Counsel for the respondent No.1 has shown his anxiety to proceed with the matter on the ground that matter is sufficiently old. In view of his objection, matter is adjourned to 19.04.2016 with note of caution that counsel for the petitioner shall proceed with the matter on next date, in case of his failure, appropriate order will be passed in accordance with law.

JUDGE

A.K

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P. No.S-144 of 2008

Date	Order with signature of Judge
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4. For orders on office objection.
5. For orders on CMA 1011/2008.
6. For hearing of main Case

07.04.2016.

Mr. Muhammad Naveed Qureshi advocate for the respondent No.1.

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Mr. Masood Ali Advocate holding brief for Mr. Raja Qasit Nawaz advocate for the petitioner requests for a date. It appears that on the last date of hearing, adjournment was sought by the petitioners' counsel on the ground of his ailment and the matter was adjourned with a note of caution that this matter shall be proceeded today without fail. Learned counsel for respondent No.1 has informed that this petition is against the interim order passed by the Rent Controller and is pending since 2008.

Case is adjourned to 12.04.2016. As a last chance and In case on any ground, counsel for the petitioner does not proceed with the matter, the interim order passed by this court will automatically stand vacated.

Interim order passed earlier to continue till next date.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C. P. No.S-1189 of 2010

Date	Order with signature of Judge
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5. For orders on CMA 5299/2012.
6. For hearing of CMA 2478/2011.
7. For hearing of CMA 5542/2010.
8. For hearing of main Case

07.04.2016.

Mr. Moint Azhar advocate for the respondents.

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Syed Ahsan Raza advocate holding brief for Mr. Muhammad Ilyas advocate for the petitioner request for adjournment. At his request adjourned to 21.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

IInd Appeal No.51/2012

Date	Order with signature of Judge
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7. For hearing of CMA 1999/2012.
8. For hearing of CMA 2000/2012.
9. For hearing of CMA 2001/2012.
10. For hearing of CMA 4019/2015.
11. For hearing of CMA 4020/2015.
12. For hearing of main Case

07.04.2016.

Ms. Rakshanda State counsel.

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Mr. Muhammad Naveed Baig Advcate holding brief for Mr. Muhammad Umar Lakhani advocate for the appellat request for adjournment.

Adjourned. Interim order to continue till next date.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P. No.S1945 of 2015

Date	Order with signature of Judge
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7. For orders on CMA 1688/2016.
8. For orders on CMA 1689/2016.
9. For orders on CMA 7926/2015.
10. For hearing of main Case
11. For orders on CMA 7927/2015.
12. For orders on CMA 7928/2015.

07.04.2016.

Mr.Mehmood A. Baloch Advocate for respondent No.1.

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Order dated 30.03.2016 shows that as per office note this matter was fixed in court on 05.05.2016, however, on the application of the respondent No.1, matter was ante dated and was fixed for today viz. 07.04.2016 at 11.00 a.m. Notice was also issued to the petitioner for today. There is nothing on record to show that for today, the petitioner or his counsel have been served.

Let this matter be fixed on 28.04.2016 with intimation notice to the counsel for the petitioner. Interim order to continue till next date.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.445 of 2016

Date	Order with signature of Judge
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For hearing of Bail Application.

07.04.2016.

Mr. Zahoor Ahmed Shah APG.

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Applicant and his counsel called absent without any intimation. Issue notice to the surety of the applicant for 26.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.395 of 2016

Date	Order with signature of Judge
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4. For orders on MA 3295/2016.
5. For orders on office objection.
6. For hearing of Bail Application.

07.04.2016.

Mr. Asad Rizvi Advocate for the applicant.

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Urgent application is granted.

Learned counsel states that similar matters are placed before another Bench on 11th April, 2016. He request for such date. At his request adjourned to 11.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Appeal No.14 of 2013

Date	Order with signature of Judge
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For hearing of Bail Application u/s 426 Cr.P.C MA 308/2013.

07.04.2016.

Mr. M. Ashraf Kazi Advocate for the appellant
Mr. Umar Siyal Advocate for the complainant.
Mr. Zahoor Ahmed Shah APG.

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By consent adjourned to 15.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.400 of 2016

Date	Order with signature of Judge
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4. For orders on office objection.
5. For orders on MA 3167/2016.
6. For hearing of Bail Application.

07.04.2016.

Mr. Naseem Akhtar Advocate for the Applicant
Mr. Zahoor Ahmed Shah APG.
Mr. Sadat Khan Special Prosecutor SSGC.

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Learned Special Prosecutor SSGC seeks time to prepare the brief on the ground that he has received copy of Bail Application today. At his request matter is adjourned to 28.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.262 of 2016

Date	Order with signature of Judge
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For hearing of Bail Application.

07.04.2016.

Mr. Qaim Ali Advocate for the applicant
Mr. Zahoor Ahmed Shah APG.

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Learned counsel for the applicant states that applicant has also filed Bail Application bearing No.261/2016 in main case for an offence u/s 392 PPC which is also pending before this court. He requests that both the matters be taken up together. Order accordingly.

Adjourned to 27.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.1314 of 2015

Date	Order with signature of Judge
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For hearing of Bail Application.

07.04.2016.

Mr. Niaz Muhammad Ghumro Advocate for the applicant
Mr. Chensar Khan Advocate for the complainant.
Mr. Zahoor Ahmed Shah APG.

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After arguing the matter at some length, learned counsel for the applicant has accepted the proposal that should the directions are issued to the learned trial court to examine the material witnesses including the complainant and I.O. of the case within a period of 1 ½ month and then the applicant may repeat bail application in the light of whatever material is on record, he would be satisfied and would not press this Bail Application. To this proposal, learned APG and counsel for the complainant have recorded their no objection and further undertake to produce the material witnesses before the trial court on the date of hearing for recording their evidence.

Accordingly, in the terms as stated above, instant Bail Application is disposed of. Learned trial court shall not grant adjournment to either party without any cogent reason.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Appeal No.427 of 2011

Date	Order with signature of Judge
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3. For orders on MA 3301/2016.

4. For orders on MA 3068/2016.

07.04.2016.

Mr. M.A Qazi Advocate for the applicant/surety

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1. Granted.

2. By means of this application, the applicant namely Muhammad Aslam Baloch is seeking directions for returning the R & Ps of Sessions Case No. 496/2006 lying in the instant appeal filed against the conviction vide Judgment dated 18.10.2011 as he stood surety of the appellants before the trial court which has already ended and now the surety papers are no more required and he is in need of surety papers but because the R & Ps are lying before this court, he cannot get back the same from the trial court.

Learned A.P.G appearing on behalf of the State in other matters waives notice of this application and record his no objection.

Accordingly, this application is allowed, in the terms whereby R & Ps of the above case lying before this court be sent to the learned trial court for one week so that the applicant/surety may file application for return of surety papers and thereafter the same be returned back to this court and be tagged with the above appeal.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.317, 318 & 319 of 2016

Date	Order with signature of Judge
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3. For orders on MA 3223/2016.
4. For orders on MA 3224/2016.

07.04.2016.

Mr. Asif Ali Pirzada Advocate for the applicant
Mr. Muhammad Qasim Standing Counsel.

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1. Granted.
2. By means of this application, the applicant is seeking return of surety papers on the ground that he stood surety for accused in the present Bail application in terms of order dated 07.03.2016, whereby the applicants were granted protective bail for a period of seven days, during which they surrendered before the trial court. In support of such ground, he has placed on record, certificate issued by Special Judge, Anticorruption (Central) Hyderabad confirming the above facts.

Learned Standing counsel after going through the record, recorded his no objection.

Accordingly, instant application is allowed. Let surety papers be returned to the applicant/surety on proper verification and identification.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P.No.S-68 of 2016

Date	Order with signature of Judge
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1. For orders on CMA No.2418/2016

2. For hearing of Main Case
27.04.2016.

Mr. Abdul Hayee, Advocate for the petitioner
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Learned counsel states that despite issuance of various notices to the respondent No.2, he has not been served, because of the fact that he is deliberately avoiding service and in such circumstances the only recourse is through substitute service. Request appears to be reasonable, let service on the respondent No.2 through substitute service by way of publication in two newspapers be made.

Adjourned to 11.05.2016.

JUDGE

Rafiq/P.A.

History of the case shows that for last various dates nobody is appearing on behalf of the Applicant. Today also none is in attendance on behalf of the applicant. No intimation has been received. It appears that the applicant has lost interest in the instant Bail Application, which is dismissed for non-prosecution.

JUDGE

A.K.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.181 of 2013

Date	Order with signature of Judge
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For hearing of Bail Application.

07.04.2016.

Mr. Zakir Leghari Advocate for the Applicant.
Mr. Ghulamullah Chang Advocate for complainant.
Mr. Zahoor Ahmed Shah APG.

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Mr. Chang appearing on behalf of the complainant points out that the accused Pir Qamar Zaman Shah, for whose cancellation of bail, he has filed application, is not present despite notice. Mr. Zakir Leghari Advocate undertakes to file vakalatnama on behalf of said accused Pir Qamar Zaman before next date.

By consent adjourned to 03.05.2016, when respondent Pir Qamar Zaman is directed to be present.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.1019 of 2012

Date	Order with signature of Judge
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For hearing of Bail Application.

07.04.2016.

Applicant in person.
Mr. Zahoor Ahmed Shah APG.

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Learned A.P.G is not prepared to argue this Application for want of police papers. It is sorrow state of affairs as this Bail Application is pending since 2012. He is directed to prepare all necessary papers till next date.

Adjourned to 14.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P. No.S-1200 of 2015

Date	Order with signature of Judge
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For orders on Nazir's report dated 30.01.2016.

07.04.2016.

Mr. Muhammad Rasheed Ahmed Bohio Advocate files vakalatnama on behalf of the Petitioner
Mr. Taqdeer Ali Advocate for respondent No.1.
Mr. Zahoor Ahmed Shah APG.

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This petition was filed by the petitioner for recovery of her child from the custody of the respondent No.1, who is her Ex-husband.

Pursuance of the notices, respondent No.1 produced the minor and vide order dated 13.08.2015, custody was handed over to the petitioner and then vide order dated 07.09.2015, she was directed to bring the minor in the office of Nazir of this court on every 15 days from 10.00 a.m. to 12.00 Noon so that the respondent No.1 may meet with his son. Respondent No.1 was, however, directed to incur transport charges of Rs.2000/- to be paid to the petitioner.

Today I have been informed that in Family Suit No.81/2015, the petitioner has been granted "Khula" by the court of Xth Civil / Family Judge Karachi (S) and she is in Iddat period right now.

The complaint of the respondent No.1 is that in compliance of the order dated 07.09.2015, the petitioner is not producing the minor for meeting purpose. Accordingly, petitioner is hereby once again directed to comply the above order and produce the minor after every 15 days on Saturday from 10.00 a.m. to 12.00 Noon for his meeting with the respondent No.1, who will have to incur charges of Rs.2000/- for transport. However, for permanent custody, the respondent No.1 may file an application under the Guardian and

Wards Act before the competent court of law and till that application is decided, this arrangement shall continue.

In the above terms, instant petition is disposed of.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P. No.S-520 of 2003

Date	Order with signature of Judge
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9. For hearing of CMA 2754/2004.
10. For hearing of CMA 1562/2004.
11. For hearing of CMA 2009/2003.
12. For hearing of main Case

07.04.2016.

Mr. Moin Azhar Advocate for respondent No.1.

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Mr. Asif Ali Advocate holding brief for Mr. Munir ur Rehman advocate for the petitioner seeks adjournment on the ground that latter is busy before another Bench.

This is a rent matter pending since 2003. Case history shows that almost on each and every date of hearing, counsel for the petitioner is seeking adjournment. Counsel for the respondent No.1 has shown his anxiety to proceed with the matter on the ground that matter is sufficiently old. In view of his objection, matter is adjourned to 19.04.2016 with note of caution that counsel for the petitioner shall proceed with the matter on next date, in case of his failure, appropriate order will be passed in accordance with law.

JUDGE

A.K

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P. No.S-144 of 2008

Date	Order with signature of Judge
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7. For orders on office objection.
8. For orders on CMA 1011/2008.
9. For hearing of main Case

07.04.2016.

Mr. Muhammad Naveed Qureshi advocate for the respondent No.1.

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Mr. Masood Ali Advocate holding brief for Mr. Raja Qasit Nawaz advocate for the petitioner requests for a date. It appears that on the last date of hearing, adjournment was sought by the petitioners' counsel on the ground of his ailment and the matter was adjourned with a note of caution that this matter shall be proceeded today without fail. Learned counsel for respondent No.1 has informed that this petition is against the interim order passed by the Rent Controller and is pending since 2008.

Case is adjourned to 12.04.2016. As a last chance and In case on any ground, counsel for the petitioner does not proceed with the matter, the interim order passed by this court will automatically stand vacated.

Interim order passed earlier to continue till next date.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C. P. No.S-1189 of 2010

Date	Order with signature of Judge
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9. For orders on CMA 5299/2012.
10. For hearing of CMA 2478/2011.
11. For hearing of CMA 5542/2010.
12. For hearing of main Case

07.04.2016.

Mr. Moint Azhar advocate for the respondents.

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Syed Ahsan Raza advocate holding brief for Mr. Muhammad Ilyas advocate for the petitioner request for adjournment. At his request adjourned to 21.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

IInd Appeal No.51/2012

Date	Order with signature of Judge
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13. For hearing of CMA 1999/2012.

14. For hearing of CMA 2000/2012.

15. For hearing of CMA 2001/2012.

16. For hearing of CMA 4019/2015.

17. For hearing of CMA 4020/2015.

18. For hearing of main Case

07.04.2016.

Ms. Rakshanda State counsel.

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Mr. Muhammad Naveed Baig Advcate holding brief for Mr. Muhammad Umar Lakhani advocate for the appellatnt request for adjournment.

Adjourned. Interim order to continue till next date.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

C.P. No.S1945 of 2015

Date	Order with signature of Judge
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13. For orders on CMA 1688/2016.

14. For orders on CMA 1689/2016.

15. For orders on CMA 7926/2015.

16. For hearing of main Case

17. For orders on CMA 7927/2015.

18. For orders on CMA 7928/2015.

07.04.2016.

Mr.Mehmood A. Baloch Advocate for respondent No.1.

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Order dated 30.03.2016 shows that as per office note this matter was fixed in court on 05.05.2016, however, on the application of the respondent No.1, matter was ante dated and was fixed for today viz. 07.04.2016 at 11.00 a.m. Notice was also issued to the petitioner for today. There is nothing on record to show that for today, the petitioner or his counsel have been served.

Let this matter be fixed on 28.04.2016 with intimation notice to the counsel for the petitioner. Interim order to continue till next date.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.445 of 2016

Date	Order with signature of Judge
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For hearing of Bail Application.

07.04.2016.

Mr. Zahoor Ahmed Shah APG.

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Applicant and his counsel called absent without any intimation. Issue notice to the surety of the applicant for 26.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.395 of 2016

Date	Order with signature of Judge
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7. For orders on MA 3295/2016.
8. For orders on office objection.
9. For hearing of Bail Application.

07.04.2016.

Mr. Asad Rizvi Advocate for the applicant.

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Urgent application is granted.

Learned counsel states that similar matters are placed before another Bench on 11th April, 2016. He request for such date. At his request adjourned to 11.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Appeal No.14 of 2013

Date	Order with signature of Judge
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For hearing of Bail Application u/s 426 Cr.P.C MA 308/2013.

07.04.2016.

Mr. M. Ashraf Kazi Advocate for the appellant
Mr. Umar Siyal Advocate for the complainant.
Mr. Zahoor Ahmed Shah APG.

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By consent adjourned to 15.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.400 of 2016

Date	Order with signature of Judge
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7. For orders on office objection.
8. For orders on MA 3167/2016.
9. For hearing of Bail Application.

07.04.2016.

Mr. Naseem Akhtar Advocate for the Applicant
Mr. Zahoor Ahmed Shah APG.
Mr. Sadat Khan Special Prosecutor SSGC.

=

Learned Special Prosecutor SSGC seeks time to prepare the brief on the ground that he has received copy of Bail Application today. At his request matter is adjourned to 28.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.262 of 2016

Date	Order with signature of Judge
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For hearing of Bail Application.

07.04.2016.

Mr. Qaim Ali Advocate for the applicant
Mr. Zahoor Ahmed Shah APG.

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Learned counsel for the applicant states that applicant has also filed Bail Application bearing No.261/2016 in main case for an offence u/s 392 PPC which is also pending before this court. He requests that both the matters be taken up together. Order accordingly.

Adjourned to 27.04.2016.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr.Bail Appl No.1314 of 2015

Date	Order with signature of Judge
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For hearing of Bail Application.

07.04.2016.

Mr. Niaz Muhammad Ghumro Advocate for the applicant
Mr. Chensar Khan Advocate for the complainant.
Mr. Zahoor Ahmed Shah APG.

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After arguing the matter at some length, learned counsel for the applicant has accepted the proposal that should the directions are issued to the learned trial court to examine the material witnesses including the complainant and I.O. of the case within a period of 1 ½ month and then the applicant may repeat bail application in the light of whatever material is on record, he would be satisfied and would not press this Bail Application. To this proposal, learned APG and counsel for the complainant have recorded their no objection and further undertake to produce the material witnesses before the trial court on the date of hearing for recording their evidence.

Accordingly, in the terms as stated above, instant Bail Application is disposed of. Learned trial court shall not grant adjournment to either party without any cogent reason.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Appeal No.427 of 2011

Date	Order with signature of Judge
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5. For orders on MA 3301/2016.

6. For orders on MA 3068/2016.

07.04.2016.

Mr. M.A Qazi Advocate for the applicant/surety

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1. Granted.

2. By means of this application, the applicant namely Muhammad Aslam Baloch is seeking directions for returning the R & Ps of Sessions Case No. 496/2006 lying in the instant appeal filed against the conviction vide Judgment dated 18.10.2011 as he stood surety of the appellants before the trial court which has already ended and now the surety papers are no more required and he is in need of surety papers but because the R & Ps are lying before this court, he cannot get back the same from the trial court.

Learned A.P.G appearing on behalf of the State in other matters waives notice of this application and record his no objection.

Accordingly, this application is allowed, in the terms whereby R & Ps of the above case lying before this court be sent to the learned trial court for one week so that the applicant/surety may file application for return of surety papers and thereafter the same be returned back to this court and be tagged with the above appeal.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.317, 318 & 319 of 2016

Date	Order with signature of Judge
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5. For orders on MA 3223/2016.

6. For orders on MA 3224/2016.

07.04.2016.

Mr. Asif Ali Pirzada Advocate for the applicant
Mr. Muhammad Qasim Standing Counsel.

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1. Granted.

2. By means of this application, the applicant is seeking return of surety papers on the ground that he stood surety for accused in the present Bail application in terms of order dated 07.03.2016, whereby the applicants were granted protective bail for a period of seven days, during which they surrendered before the trial court. In support of such ground, he has placed on record, certificate issued by Special Judge, Anticorruption (Central) Hyderabad confirming the above facts.

Learned Standing counsel after going through the record, recorded his no objection.

Accordingly, instant application is allowed. Let surety papers be returned to the applicant/surety on proper verification and identification.

JUDGE

A.K/P.S.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Crl. Bail Application No.1399 of 2016

Date	Order with signature of Judge
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1. For orders on M.A. No.11940/2016

2. For hearing of Bail Application

27.03.2017.

Mr. Israr Ahmed Khakhrani, advocate a/w applicant
Mr. Muhammad Anwar Shahid, advocate for complainant
Mr. Gul Muhammad Farooq, A.P.G.

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Applicant is accused in crime No.253/2016, U/s 324, 34 PPC, Police Station Aziz Bhatti, Karachi, and is seeking relief of pre-arrest bail through this application.

In the FIR allegations of making ineffective firing are leveled against the applicant by the complainant on account of some enmity between them. Therefore, the applicability of Section 324 PPC requires further inquiry. Learned Counsel for the complainant has opposed grant of bail to the applicant on the ground that his name is mentioned in the FIR. Since in the incident, admittedly no one has sustained injuries, merely mentioning that applicant made firing would not disentitle him to the relief of pre-arrest bail. Consequently the bail of applicant is hereby confirmed on same terms and conditions on the basis of which he was granted ad-interim pre-arrest bail vide order dated **28.09.2016**.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

Rafiq/P.A

**IN THE HIGH COURT OF SINDH AT KARACHI.
Crl. Bail Application No.453 of 2017**

For hearing of Bail Application

26.07.2017

Mr. Muhammad Ilyas Hussain Gaddi, Advocate for applicant
Ms. Rahat Ahsan, Addl: P.G.

ORDER

Muhammad Iqbal Kalhoro,J. Applicant is accused in crime No.775 of 2009, registered on **29.12.2009** at Police Station Saeedabad, Karachi U/s 302, 34 PPC.

2. Complainant namely Ghambar Hussain registered the present FIR on 29.12.2009 at about 1300 hours alleging that he is Security Guard and his son namely Basit (deceased) was driver and used to ply Mini Bus G-7. On the day of incident viz. **29.12.2009** at about 0430 his son was going to bus stop for plying his said bus, and when at about 0430 hours he reached Main Road Steel Chowk near Rehmania Masjid, Nia Abadi, Saeedabad, Karachi, he was murdered by unknown accused.

3. After investigation, the case was disposed of under 'A' Class (accused not traceable), however, after the applicant, who was in custody in Crime No.487/2011, U/s 302, 34 and Crime No.201/2011, U/s 302, 34 PPC, admitted his involvement in the present case, the challan / report under Section 173 Cr. P.C was submitted in the Court against him.

4. Learned Counsel for the applicant has argued that applicant is innocent and has been falsely implicated in this case; that there is no evidence against the applicant except his alleged extra-judicial confession before the police officials, which is inadmissible in law.

5. On the other hand, learned Addl: P.G. has opposed grant of bail to the applicant on the ground that applicant is involved in so many other cases of like nature. I.O. is present states that except the extra-judicial confession, no other incriminating evidence could be collected against the accused. Regarding whereabouts of the complainant, he states that after this incident the complainant has shifted to Khyber Pakhtoon Khawa ('KPK') and presently his whereabouts are not available.

6. I have considered the submissions of the parties and perused the material available on record. The only evidence against the applicant is his alleged extra-judicial confession before the police officials, while he was in custody in some other cases, the worth of which is yet to be determined in the trial. Therefore, involvement of the applicant in the present crime would require further probe in terms of section 497 (2) Cr. P.C. Mere pendency of other cases of like nature against the applicant would not be considered a bar to grant him bail in the given facts and circumstances of the case. Accordingly, the applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.2,00,000/- (Rupees two hundred thousand) with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

7. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.1624 of 2015

Date	Order with signature of Judge
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For hearing of Bail Application.

23.05.2016.

Mr. Zahid Malah, Advocate for the applicant.
Mr. Iqbal Ahmed Solangi, Advocate for complainant
Ms. Seema Zaidi, A.P.G.

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MUHAMMAD IQBAL KALHORO J: Applicant is in jail as an accused in crime No.23 of 2015, registered on 17.07.2015 at Police Keenjhar Lake, U/s 302, 34 & 114 PPC , and is seeking relief of bail through this application.

2. Allegations against him are that he along-with co-accused committed murder of deceased, namely, Ghulam Mustafa by firing upon him at Otaq of Ahmed Taror Near Tara stop Hyderabad on 17.07.2015 at about 2100 hours.

3. Counsel for the applicant states that the applicant is innocent and has been falsely implicated in the case; that during the investigation he was found innocent and was released by the police under Section 497(2) Cr. P.C.; that no specific role has been attributed against applicant; that applicant was not present at the spot, and his story has been supported by

the independent persons. In support his arguments, he has relied upon the case laws reported in 2011 S C M R 1945, 2011 Y L R 1836, 2007 P Cr. L J 1020, and 2010 P Cr. L J 952.

4. Learned counsel for the complainant has argued that applicant is nominated in this case with specific role and the incident is supported by the statements of the witnesses, he has opposed grant of bail to the applicant. Learned A.P.G. has adopted his arguments.

5. I have considered the submissions and perused the material available on record. Applicant has been attributed specific role of firing upon the deceased along-with the co-accused. The plea of alibi that the applicant has taken cannot be appreciated at bail stage. The prosecution story describing his role has been supported by the eye witnesses. Contention of the learned counsel that the applicant has not been attributed any specific role is not factually correct. I have been informed that charge has been framed, and the matter is fixed for evidence. In these circumstances, while dismissing the instant bail application of the applicant. I would like to direct the learned trial court to expedite the trial and conclude the same preferably within a period of four months. However, if the trial is not concluded in that period, the applicant would be at liberty to move a fresh bail application.

6. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.1559 of 2015

Date	Order with signature of Judge
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For hearing of Bail Application.

21.04.2016.

Mr. Zahoor Hussain Mahar, Advocate for the applicant.

Mst. Firdous Faridi, Spl. Prosecutor

Mr. Muhammad Qasim, Standing Counsel

I.O., Akbar Ahmed

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MUHAMMAD IQBAL KALHORO J: Applicant is seeking bail in crime No.12/2015 registered on 11.07.2015 at Police Station Custom, Karachi, U/s 6/9-B, CNC Act, 1997.

2. Applicant was arrested from International Departure Hall, Jinnah Terminal Karachi Airport on 11.07.2015, at about 1100 hours, where he was

present for traveling to Tabuk (Saudi Arabia) via Dubai by Fly Dubai Airline Flight No.FZ-334 and from his luggage 450 grams crystal Amphetamine was recovered. He was arrested and he was referred to for trial, consequently.

3. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the present case; that he was arrested from the busy place but no private mashir was associated to witness alleged recovery. His case is that Amphetamine allegedly recovered for the applicant did not belong to him and that the offence does not fall within the prohibitory clause U/s 497(i) Cr. P.C.

4. On the other hand learned Spl. Prosecutor Customs, who is assisted by the Investigating Officer states the applicant was arrested while traveling to Saudi Arabia from the Jinnah Terminal Airport, Karachi and the contraband item, which was recovered from him is most dangerous and is highly valuable. She further states that prima facie there is sufficient material to connect the applicant with the commission of the offence

5. I have considered the submissions of the parties and perused the record. Applicant was arrested from the international departure hall of Jinnah Terminal Airport Karachi where no person other than one travelling abroad is allowed to enter. The luggage from which alleged contraband was recovered was a trolley bag and was in his possession. The Amphetamine which was recovered from the applicant is said to be dangerous drug. There is sufficient evidence available with prosecution to connect the applicant with the commission of offence. Therefore, I see no merits in the instant bail application, which is dismissed. However, learned trial court is directed to expedite the trial and conclude the same preferably within a period of 2 ½ months.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A

**IN THE HIGH COURT OF SINDH AT KARACHI.
Crl. Bail Application No.240 of 2017**

For hearing of Bail Application

22.03.2017

Mr. Hassan Khan Afridi, advocate for applicant
Mr. Zahoor Shah, A.P.G.

ORDER

Muhammad Iqbal Kalhoro, J. Applicant is accused in crime 10 of 2017, registered on 11.01.2017 at Police Station Landhi Karachi, U/s 23(i) Sindh Arms Act, 2013.

2. Applicant was arrested on 11.01.2017 by SI Mohammad Haneef of Police Station Landhi, Karachi from Main Road 17-J Bus Stop, Landhi 89 Karachi at about 0110 hours on suspicion and from him one K.K. rifle number 56-18195840 and No.14195 on its Centre Cover with ten live rounds was recovered, as a result of which, he was booked in the present crime and offence.

3. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that applicant was arrested by the Rangers first then he was handed over to the police, which falsely implicated him in the present crime.

4. On the other hand, learned A.P.G. has opposed grant of bail to the applicant.

5. I have considered the submissions of the parties and perused the material available on record. Prima facie, the applicant appears to be connected with the present offence as from him one K.K. rifle was recovered which, in absence of any enmity with the police, could not be considered to have been foisted upon him. No material has been placed on record to show that applicant was initially arrested by the Rangers before registration of the FIR and then handed over to the police. The applicant is booked in the crime, which carries punishment up-to 14 years and fall within the prohibitory clause under section 497(i) Cr.P.C. Resultantly, the instant bail application is dismissed, however, the trial Court is directed to expedite the trial and conclude it within a period of three (03) months hereof, and submit such compliance report through MIT of this Court.

6. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

CrI. Bail Application NO.29 of 2017

Date	Order with signature of Judge
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For hearing of Bail Application

22.03.2017

Mr. Qaim Ali Memon, advocate for applicant
Mr. Zahoor Shah, A.P.G.

Muhammad Iqbal Kalhoro,J. Applicant is accused in crime 298 of 2016, registered on 30.07.2016 at Police Station Korangi, Karachi, U/s 394, 34 PPC.

2. It is alleged that applicant was arrested by the public and complainant namely Javed Alam on 30.07.2016 at about 0025 hours while committing robbery from the shop of complainant namely Sameerullah Kiryana Store, House No.631, Sector 32/B, Korangi, Karachi along with his two accomplices, who however escaped from the spot. Meanwhile SI, Akram arrived at the place of incident and saved the culprit. Resultantly the applicant was booked in the present crime and offence.

3. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that there is no mention of motorcycle number and its year of make on which allegedly applicant and his accomplices had come at the place of incident; that although it is alleged that complainant had received injury at the hands of present accused but no medical certificate has been obtained; that nothing was recovered from the applicant, therefore his case is one of further inquiry. In support of his arguments, he has relied upon the case law reported in 213 MLD 1609, 1998 SCMR 1124 and 2003 YLR 565.

4. On the other hand, learned A.P.G. has opposed grant of bail to the applicant on the ground that applicant was arrested from the spot while committing robbery, which is a serious offence.

5. I have considered the submissions of the parties and perused the material available on record. Prima facie, there is sufficient evidence against the applicant. The applicant was arrested from the spot while committing robbery, and has been assigned specific role in the FIR. The contents of the FIR have been supported by the PWs in their 161 Cr. P.C. statements. In the investigation the accused has been found guilty of the present offence and against him challan has been submitted. The contentions raised by the defence counsel, require deep appreciation of evidence, which cannot be

undertaken while deciding the bail application. Consequently, the bail application in hand is dismissed. However, the trial Court is directed to expedite the trial and conclude it preferably within a period of four (04) months hereof.

6. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.403 of 2016

Date	Order with signature of Judge
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For hearing of Bail Application.

21.04.2016.

Mr. Aijaz Muhammad Bangash, Advocate for the applicant.
Mr. Malik Sadaqat Khan, Spl: Prosecutor of SSGC

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MUHAMMAD IQBAL KALHORO J: Applicant is seeking bail in crime No.19/2016 registered on 17.02.2016 at Police Station SSGC, Karachi U/s 462(A-h)C/E PPC.

2. Case of the prosecution is that complainant namely Fazul-Rehman, Deputy Manager, SSGC, Karachi on 17.01.2016 at 1925 hours along-with team reached the hotel of Tea & Parataha under the name of "New Quetta Gulsher Agha Hotel", which was found being run on illegal connection of gas being supplied through rubber pipe from the service line of sui gas near the hotel of the accused and the gas was being used for operating one Generator of 2.5 KW and stove of the hotel. The said illegal connection was removed. The generator and stove were impounded. In the investigation, the applicant was found to be owner of the said hotel. Hence, he was arrested on 18.02.2016.

2. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the present case; that applicant has nothing to do with the ownership of the hotel as he was working there as (table-boy) laborer and his name has been inserted in the case on the basis of statement of co-accused. He has placed Rent Agreement dated 23.04.2015 purportedly executed between Tariq Mehmood and Azizullah regarding renting out the said hotel.

3. On the other hand, learned Spl: Prosecutor of SSGC has opposed grant of bail to the applicant. He has also placed Rent Agreement dated 09.01.2015, which purportedly has been executed between the owner of the plot and the applicant for renting out the said hotel to establish that the applicant is the actual tenant and the hotel is his property. He further states that during investigation the statement of owner of the premises has also been recorded and he has verified that the applicant is his tenant.

4. I have considered the submissions of the parties and perused the record. There is sufficient material available with the prosecution to show that applicant is owner of the hotel, which was being run by him on stolen gas for operating generator and stove. Resultantly, I see no merits in the instant bail application, which is dismissed. However, learned trial court is directed to expedite the trial and conclude the same preferably within a period of two months.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI.
C.P.NO.810 of 2015

Date	Order with signature of Judge
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Hearing Priority Case

1. For hearing of CMA No.3358/2015(stay)
2. For hearing of Main Case

21.03.2017

M/s. Jawaid Ahmed Rajput, and Abdul Rehman Thaheem, Advocate for petitioner

Mr. Mehmood Anwar Hussain Baloch, advocate for respondent No.1

Muhammad Iqbal Kalhoro, J. Petitioner has impugned in this petition the order dated **23.12.2014** passed by the learned VI-Rent Controller Central, Karachi, dismissing his applications under Section 12(2) CPC and under Order 1 Rule 10 CPC read with Section 151 CPC, filed in Rent Case No.255/2011; and the order dated **28.04.2015** whereby the learned IV-Additional District Judge, Karachi Central, dismissed the FRA No.08/2015 filed by the petitioner against the above said dismissal order.

2. Record reflects that respondent No.1, Dr. Ejaz Hussain filed aforementioned Rent Case No.255/2011 against the respondent No.2 for

ejectment in respect of property bearing No.A-156, Block-T, North Nazimabad, Karachi on the grounds of default and subletting the said premises to his brother, the petitioner. The said case was decided vide order dated **30.11.2011** whereby the respondent No.2, the tenant, was directed to handover peaceful physical possession of the demised premises to the respondent No.1 within sixty (60) days. This order was challenged by the respondent No.2 in FRA No.40/2012, which, however, was dismissed in non-prosecution by learned VI-Additional District Judge, Central, Karachi vide order dated **25.05.2012**. Thereafter, it appears that respondent No.1 filed execution Application No.07/2014 wherein the petitioner filed above stated two applications viz. Application under Section 12(2) CPC read with Section 151 CPC and application under Order 1 Rule 10 CPC read with Section 151 CPC on the grounds that the ejectment order dated **30.11.2011** was obtained by the respondent No.1 through fraud, misrepresentation and concealment of facts; that he was owner of property by way of purchase and was residing in the said premises for the last 29 years; that since he was in occupation of demised premises in the capacity of its owner, he was necessary party. Both these applications were heard and dismissed by the impugned order dated 23.12.2014; and the appeal against that order has also been dismissed vide impugned judgment dated 28.04.2015.

3. Learned counsel for the petitioner has argued that respondent No.1 who is father in law of respondent No.2 was in collusion with him in filing the said rent case, which was mainly allowed due to obliging statement given by the respondent No.2 in favour of respondent No.1; that actually the petitioner purchased the said property many years ago and has been residing therein in the capacity of its owner but malafidely he was not made party in the rent case; that the petitioner has filed a Civil Suit No.1285/2010 before this Court seeking several reliefs including specific performance of contract against respondent No.1; that ejectment order was obtained by the respondent No.1 through fraud, misrepresentation and concealment of facts, which is evident from the fact that in the rent application, the address of the demised premises was not given and instead address of "Ireland" where respondent No.2 resides was given, which shows malafide on the part of the respondents No.1 and 2; that alleged tenancy agreement between respondent Nos.1 and 2 is not an authenticated document and was prepared by the respondents in collusion with each other; learned counsel lastly has contended that neither learned Rent Controller nor the Appellate Court while deciding the above applications attended to all these necessary facts.

4. On the other hand, learned Counsel for the respondent No.1 has argued that respondent No.2, and the petitioner who are brother inter-se are acting in collusion with each other; that respondent No.2 had contested the

rent case but lost and then filed the appeal, which was dismissed in non-prosecution due to his failure to pursue the same, subsequently when the execution application was filed, he in collusion with his brother, the petitioner, contrived a fresh story of purchasing the said property from respondent No.2, and by this way the petitioner and his brother are trying to frustrate the fruits of the rent case. Learned counsel has referred to various emails exchanged between the parties to show that originally respondent No.2 was the tenant of respondent No.1 in the said premises but subsequently when he left for Ireland, he sublet the same to the petitioner and on this ground too, amongst others, the rent case was allowed. In support of his arguments, he has relied upon the case law reported in 1996 C L C 1283 and 1993 M L D 1832.

5. I have considered the submissions of the parties and perused the material available on record. The record reflects that the petitioner filed the application under Section 12(2) CPC only after dismissal of the FRA filed by respondent No.2, who is his brother. His ground that he was not aware of the rent proceeding does not appeal to the common sense in view of the fact that his own brother contested the same proceedings vigorously. It is not the case of the petitioner that his brother, respondent No.2 is hostile to him to presume anything adverse against him or any collusion between respondent No.1 and 2. In law the petitioner was under the burden to prima facie establish the collusion between respondents No.1 and 2 and his status of owner of the said premises for setting aside the ejectment order. However, the record reveals that no material in this connection was produced before the Rent Controller by the petitioner. The argument that in the rent application the address of the respondent No.2 is of Ireland and that proves that the rent case was filed malafide by respondents No.1 and 2 with collusion of each other cannot be acceded to for the reason that respondent No.2 was the actual tenant of the premises, whose residence in Ireland, being close relative of respondent No.1, was known to him and therefore mentioning such address by him for service in the rent case does not prove any malafide on the part of respondent No.1. Record also reveals that although the petitioner claimed to have purchased the said property but in support of such claim he did not place any relevant document to even prima facie establish the same fact before the learned Rent Controller. More so, the question of the petitioner's ownership could not be determined in these rent proceedings. The petitioner has already filed a civil suit. And in the light of dicta laid down by the Hon'ble Supreme Court reported in 2010 SCMR 1925, if any person claims to have purchased the rented premises, he has to vacate the same first in compliance of ejectment order and to contest his claim of being purchaser in civil suit. And if he succeeds in the civil suit, he can be put back in the premises.

6. I have seen the impugned orders, learned counsel for the petitioner has not been able to point out any illegality therein warranting interference by this Court in the Constitutional jurisdiction. Resultantly, this Constitution Petition is found meritless and is dismissed accordingly along with listed application. Parties to bear their own expense.

Petition is disposed of in the above terms.

JUDGE

**Rafiq/P.A. IN THE HIGH COURT OF SINDH AT KARACHI.
Crl. Bail Application No.230 of 2017**

For hearing of Bail Application

21.03.2017

Mr. Muhammad Farooq, advocate for applicant
Mr. Zahoor Shah, A.P.G.

ORDER

Muhammad Iqbal Kalhoro,J. Applicant is accused in crime 08 of 2017, registered on 06.01.2017 at Police Station Peerabad, Karachi, U/s 23(i) Sindh Arms Act, 2013.

2. Applicant was arrested on 06.01.2017 by ASI Alam Zaib of Police Station Peerabad, Karachi from Amin Shaheed Stadium Qasba Colony, Orangi Town, Karachi at about 0130 hours on suspicion and from him one K.K. rifle number 66-56-16119764 with eight live rounds was recovered, as a result of which, he was booked in the present crime and offence.

3. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that in the FSL report the word K.K. is not mentioned as such this case requires further inquiry.

4. On the other hand, learned A.P.G. has opposed grant of bail to the applicant.

5. I have considered the submissions of the parties and perused the material available on record. Prima facie, the applicant appears to be connected with the present offence as from him one K.K. rifle was recovered which, in absence of any enmity with the police, could not be considered to have been foisted upon him. The non-mentioning of the word K.K. in the FSL report would not make the case to be of further inquiry as it requires deeper appreciation of evidence. The applicant is booked in the crime, which carries

punishment up-to 14 years and fall within the prohibitory clause under section 497(i) Cr.P.C. Resultantly, the instant bail application is dismissed, however, the trial Court is directed to expedite the trial and conclude it within a period of three (03) months hereof, and submit such compliance report through MIT of this Court.

6. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

**IN THE HIGH COURT OF SINDH AT KARACHI.
Crl. Bail Application No.247 of 2017**

For hearing of Bail Application

21.03.2017

Mr. Israr Ahmed Khakhrani, advocate for applicant
Mr. Zahoor Shah, A.P.G.

ORDER

Muhammad Iqbal Kalhoro,J. Applicant is accused in crime 01 of 2017, registered on 01.01.2017 at Police Station Pak Colony, Karachi, U/s 23(i) Sindh Arms Ordinance 2013.

2. Applicant was arrested by SI Maqsood Ali of Police Station Pak Colony, Karachi on 01.01.2017 at about 1300 hours from Interior Street PMT Manghopir Golimar Nala, Karachi on suspicion and from him one 30 bore pistol along with three live bullets was recovered, as a result of which, he was booked in the present crime and offence. During investigation, the said pistol was sent to Ballistic Expert for his opinion, who vide his letter dated 04.01.2017 has reported that the subject pistol is not in working condition.

3. Learned defence counsel urges that the case of the applicant in the light of said report requires further inquiry as it is yet to be determined by the trial Court whether the applicant can be convicted with the offence he has been booked under. The learned A.P.G. has not been able to controvert this position. In view of such facts and circumstances, the applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.1,00,000/- (Rupees one lac only) with P.R. bond in the like amount to be executed to the satisfaction of the trial Court. The trial Court, however, is directed to

expedite the trial and conclude it within a period of four (04) months hereof, and submit such compliance report through MIT of this Court.

4. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
C.P No.D-605 of 2003**

DATE: ORDER WITH SIGNATURE(S) OF JUDGE(S).

For directions
For hearing of CMA No.15645/2011

07.04.2017

Mr. Nishat Warsi advocate for the petitioner.
Mr. M.G. Dastagir advocate for the respondent No.1.
Mr. Muhammad Shoaib Mirza Standing Counsel.

This petition was allowed by short order dated 03.03.2005, the reasons of which followed on 06.09.2005. In the listed application, the petitioner claims that the order dated 16.08.2011 passed by this Court has been violated by the alleged contemnors.

The learned counsel for the petitioner has stated that on 15.10.2011 the petitioner moved the listed application pleading that the order dated 16.08.2011 has been violated by the alleged contemnors as full back benefits/dues of the petitioner were not paid to him as directed by this Court while disposing of the petition, as such the alleged contemnors are liable to be hauled up by this Court under Article 204 of the constitution.

In reply to the listed application, the alleged contemnors have submitted objections.

The learned counsel for the respondent No.1 has contended that the order of this Court has been fully complied with in letter and spirit, and the petitioner was satisfied with the decision taken in this regard, and his satisfaction was recorded by this Court in the order dated 20.09.2011, as such nothing is left to be done in the present matter and the listed application is liable to be dismissed with cost.

We have heard learned counsel for the parties at some length and have considered the submissions and perused the available record with their assistance.

A perusal of the record shows that the petition was disposed of vide judgment dated 08.05.2005, whereby the petitioner was directed to be reinstated with full back benefits, the petitioner was reinstated and subsequently retired on 31.12.2006. The grievance of the petitioner is that he has not been paid full back benefits as directed by this Court. In the order dated 16.08.2011 this Court directed the alleged contemnor No.1 to hear the petitioner and prepare a comprehensive report regarding dues which were to be paid to the petitioner as back benefits, more particularly his promotion as done with other employees of his batch. It was also observed that such exercise shall be completed within a period of one month.

Pursuant to the above order of this Court, a compliance report was submitted by the alleged contemnor in which he stated that he had heard the petitioner and examined the relevant documents and noted that the petitioners' up gradation from Pay Group-IV to Pay Group-V was due from 01.07.1999. Accordingly, such approval of competent authority was obtained and up gradation order of the petitioner from PG-IV to PG-V was notified on 13.09.2011 w.e.f. 01.07.1999. He has also mentioned that in the minutes of the meeting, it is noted that the petitioner would be entitled to arrears as a consequence of up gradation and will also be eligible for difference of gratuity as well. On such conclusion, he stated, that except up gradation, no other dues was found to be payable to the petitioner, and consequently such up-gradation benefits were paid to the petitioner.

A perusal of the order dated 20.09.2011 indicates that the petitioner was satisfied with the decision of Pakistan Steel Mills; and statement showing his satisfaction has been recorded by this Court in the above order.

We have also gone through the statement dated 16.02.2017 submitted on behalf of the respondent No.1, which reads as under:-

"It is submitted on behalf of respondent No.1 that pursuant to the order of this Hon'ble Court dated 16.08.2010 the respondent No.1 has already provided the relevant documents on 09.09.2010 photocopies whereof are also enclosed, regarding reinstatement and promotion of other employees involved in the case along with Mr.Mian Gul the petitioner in the above matter for the period up-to 31.12.2006 who was retired on attaining the age of superannuation and in respect of other employees for the period thereafter.

It is submitted that the referred employees were reinstated and given pay Group-IV and there was no further promotion till 31.12.2006. it is further submitted that there was no up gradation of the post till 31.12.2006 inasmuch as up gradation/promotion pursuant to CBA

agreement of 2008, copy thereof is already on record, and also notified by Circular dated 04.08.2009 copy enclosed whereby relief was given to the workers mentioned herein even it was not applicable to the case of the petitioner, however, as a special case vide orders of this Hon'ble Court dated 16.08.2011 and 20.09.2011 passed by the Division Bench of this Hon'ble Court as a special case on humanitarian grounds the petitioner was given pay group-V and arrears were also paid to him. He was satisfied with such decision of Pakistan Steel as recorded in the order dated 20.09.2011. The petitioner is not entitled for any further amount and he has been paid all service dues. Detail is enclosed."

The grievance of the petitioner in respect of certain additional dues/benefits is not borne out of any record and as far as his previous benefits are concerned, he was satisfied with the calculation of the same as is observed in the order dated 20.09.2011. We are mindful of the fact that this Court cannot go beyond the terms of disposal order recorded in the present proceedings.

In the facts and circumstances and for the reasons alluded above, we are not inclined to proceed any further in these proceedings. The listed application having no merits is accordingly dismissed.

JUDGE

JUDGE

S.Soomro/PA.

**IN THE HIGH COURT OF SINDH AT KARACHI.
Crl. Bail Application No.917 of 2015**

For hearing of Bail Application

03.05.2016

Mr. Saifullah, Advocate for applicant
Mr. M.R. Sayed, Advocate for complainant
Ms. Seema Zaidi, A.P.G.
SI Ch. Amanat Ali, P.S. Gizri

ORDER

Muhammad Iqbal Kalhoro,J. Applicant is accused in crime No. 104 of 2005, registered on 19.04.2005 at Police Station Kalri, Karachi U/s 302 P.P.C.

2. Applicant is not nominated in the FIR, but on the basis of statement of co-accused Saeedul Haque @ Abdullah, he was introduced in the prosecution story and was shown as absconder. Meanwhile trial has proceeded against the arrested co-accused namely Saeedul Haque and

Muhammad Arshad, who have been convicted by the trial Court. Applicant was arrested in another crime on 18.03.2014, and was shown arrested in the present case on 26.03.2014.

3. Learned defence counsel has argued that case against the applicant is one of further enquiry, as neither his name appears in the FIR nor any role has been attributed against him. Insofar as conviction of the co-accused is concerned, he states that this is challenged in some appeal.

4. On the other hand, learned counsel for the complainant and learned A.P.G. have opposed the grant of bail to the applicant on the ground that applicant remained absconder for nine years. And he is not entitled for the concession of bail.

5. I have heard both the parties and perused the material available on record. Perusal of FIR shows that applicant is not nominated in the FIR. Applicant was implicated in this case on the basis of statement of co-accused Saeedul Haque, and he was shown absconder in the challan. It is clear that no specific role has been attributed against the applicant. The conviction of the co-accused would not disentitle the applicant from concession of bail. As regards to the grant of concession of bail, it is well settled principle of law that mere abscondence would not come in the way to grant bail, if otherwise on merits his case requires further enquiry; applicant has earlier filed bail application bearing Cr. B.A. No.1614/2014, which was disposed of with the directions to the trial Court to conclude the trial within two months, it is obvious that within that period, the prosecution could not conclude the case. I am of the view that the case requires further inquiry and applicant is entitled to be grant of bail. Accordingly, applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.2,00,000/ (Rupees two hundred thousand only) with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court.

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
C.P.No.S-941 of 2016

Date	Order with signature of Judge
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1. For orders on CMA No.4390/2016
2. For orders on CMA No.4391/2016
3. For hearing of Main Case
4. For orders on CMA No.4392/2016

03.06.2016.

Mr. Naseeb-ul-Hassan Siddiqui, Advocate for the petitioner

1. Granted.
2. Exemption granted, but subject to all just exceptions.

3to4. Petitioner's case is that he is tenant in respect of Plot No.R-4, Block 17, Federal B. Area, Karachi, and against him the rent application was filed by the respondent No.1, Dr. Nizamuddin Ghorri on the ground of default as well as personal bonafide need. The said case was allowed vide order dated 29.08.2012, against which the petitioner filed FRA bearing No.230/2012, the same was dismissed for non-prosecution on 04.09.2014. The petitioner filed application for its restoration along-with application U/s 5 of the Limitation Act on the ground that on the day when FRA was dismissed his counsel was not feeling well, and he was injured as a result of some attack, therefore, he could not file application within stipulated period. Application was dismissed vide impugned order dated 09.05.2016, by the learned appellate Court which held that no proper explanation was forwarded by the petitioner for delay in filing the restoration application.

Learned counsel for the petitioner has argued that learned appellate Court has misdirected itself in determining that the restoration application was time barred. He states that in fact Article 181 of the Limitation Act which prescribes a period of 03 years for filing application for restoration of appeal dismissed in non-prosecution would be appealable. He in this regard has relied upon the case laws reported in **2010 CLC 323, 1998 CLC 1016 and 1983 CLC 2219.**

Contentions raised require consideration; let notice be issued to the respondents as well learned Advocate General Sindh. In the meanwhile, executing Court may proceed with the execution application, but shall not announce order thereon till next date. However, it is made clear that if learned counsel for the petitioner does not proceed with the mater on the next date on any ground, this concession will stand recalled.

Adjourned to **16.08.2016.**

Rafiq/P.A

History of the case shows that after filing of this bail application counsel for the applicant is either remained absent or on his behalf brief was hold. On the last date of hearing no one was present on behalf of applicant without intimation, and the same is position today. It appears that the applicant and his counsel have lost interest to pursue the instant application, which is dismissed for non-prosecution.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Misc. Appl. No.184 of 2016

Date	Order with signature of Judge
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1. For orders on office objection at A
2. For orders on M.A. No.12348/2016
3. For hearing of Main case

10.08.2017.

Mr. Khan Muhammad Sangi, advocate for applicant
Mr. Abrar Ali Khichi, DPG

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Applicant has impugned order dated **30.08.2016** passed by the learned VIII-Additional Sessions Judge, Karachi South dismissing his application filed under Section 22-A & 22-B Cr. P.C. for registering the FIR against the proposed accused.

Learned counsel for the applicant has argued that in terms of Section 154 Cr. P.C. the applicant has a right to get his statement recorded before the duty officer of the Police Station and in case a cognizable offence is disclosed against the accused in such statement, the SHO has to register the FIR. He further states that learned Additional Sessions Judge has not considered the scheme provided under Section 154 Cr. P.C. and on the consideration, which is extraneous to the relevant point has dismissed the application; that the insolvency petition filed by the proposed accused has already been dismissed by this Court vide order dated **21.10.2016**. .

Learned DPG has conceded to the arguments of the learned counsel for the applicant.

In view of the above facts and circumstances, this application is allowed. Let the statement of the applicant be recorded by the duty officer at Police Station Darkhshan, Karachi and if from his statement a cognizable offence is made out against the proposed accused, he shall register the FIR.

This Criminal Misc. Application stands disposed of in view of above observation

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
C.P.No.S-1550 of 2017

Date	Order with signature of Judge
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For hearing of Main Case

10.08.2017.

Petitioner in person
Mr. Shamsheer A. Khan Azeemi, State Counsel
ASI Ali Haider, P.S. Al-Falah, Karachi

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Petitioner is present and states that respondents No.4 to 5 who are her son are causing harassment to her in connivance with the respondents No.2 and 3. Respondent No.3 has appeared and denied the allegations and states that there is a dispute between the parties over the house. Mr. Mukhtiar Ahmed, advocate has filed power on behalf of respondent No.4, he has also denied the allegations. SHO is present undertakes that he would conduct himself strictly in accordance with law and provide due protection to the petitioner. The petitioner is satisfied with such undertaking and seeks disposal of this petition in the said terms.

Accordingly, this petition is disposed of with the direction to the respondents not to cause any harassment to the petitioner and respondent No.3 shall provide protection to the petitioner in accordance with the law.

Petition stands disposed of in the above terms.

JUDGE

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.1037 of 2017

Date	Order with signature of Judge
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1. For orders on office objection
2. For hearing of Bail application

09.08.2017

Mr. Muhammad Nadeem Khan, advocate for the applicant
 Mr. Abrar Ali Khichi, DPG

After arguing the case at some length, learned defence counsel has agreed that this bail application may be dismissed as not pressed but with direction to the trial Court to expedite trial and record the statement of material witnesses, and whereafter the applicant would be at liberty to move a fresh bail application before the trial Court.

To this proposal, learned DPG has recorded his no objection

Accordingly, this bail application is dismissed as not pressed with direction to the trial Court to expedite the trial and examine the material witness including complainant and police officials, who had allegedly arrested the applicant from the spot within a period of two months, whereafter the applicant would be at liberty to move a fresh bail application, which if filed, shall be decided on its own merits.

Bail application stands disposed of in the above terms.

Judge

Rafiq/P.A.

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
 Cr. B.A. No.1114 of 2017

 Date Order with Signature(s) of Judge(s)

For hearing of Bail Application

11.08.2017

Mr. Kabir Ahmed Khan Ghouri, Advocate for applicant
 Mr. Abrar Ali Khichi, DPG

Applicant is seeking post arrest bail in crime No.156/2012, registered on **05.07.2012**, at Police Station New Karachi, U/s 302, 34 PPC.

Learned counsel for the applicant has contended that applicant was granted bail on merits by learned trial Court vide order dated **21.12.2013** but then on **17.12.2014**, he jumped off the bail and after due process he was declared proclaimed offender. Subsequently, on **23.09.2015** information was communicated to the trial Court that he was confined in jail in another case. And after then his arrest in the present case was also shown, and since that he is behind the bars. Learned counsel for the applicant states that applicant has been sufficiently punished and his absconsion was not intentional but as he was arrested in another crime, therefore, he could not appear before the trial Court and because of this fact he could not communicate such information to the trial Court.

Learned DPG has opposed grant of bail to the applicant.

I have considered the submissions of the parties and perused the material available on record. Previously applicant was granted bail on merits, and thereafter he absconded on **17.12.2014**, but was again shown arrested in this case on **23.09.2015**, and since then he is in jail. I am of the view that applicant has been sufficiently punished, therefore, relying upon the dicta laid down in the case reported in *1980 P. Cr. LJ 2600*, the applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.200,000/- (Rupees two hundred thousand only) with P.R. bonds in the like amount to be extended to the satisfaction of the trial Court.

JUDGE

Rafiq/P.A.

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

II-Appeal No.55 of 2015

Date	Order .with signature of Judge
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- | | |
|------------------------------------|--|
| 1. For hearing of CMA No.5572/2015 | |
| 2. For hearing of Main Case | |

05.04.2016

Mr. Muhammad Khalid, Advocate for appellant
 Mr. Muhammad Aziz Khan, Advocate for respondent
 Ms. Rukhshanda Waheed, State Counsel

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Appellant has impugned Judgment dated 17.08.2015 in Civil Appeal No.17 of 2015 passed by learned VII-Additional District Judge, Karachi East.

Facts of the case are that the appellant filed a suit for Declaration, Recovery of Possession, Permanent Injunction and Mesne Profits against the respondent bearing Civil Suit No.556 of 2013. The said suit was decreed vide judgment and decree dated 09.01.2015. The said judgment and decree were assailed by the respondent in the above said appeal. Learned appellate Court after hearing the parties, remanded the case back to the learned trial Court by holding that the trial Court had failed to frame the proper issues relating to the controversy between the parties and trial Court without considering the legal aspects of the suit and evidence brought on record had given erroneous findings on the issues.

Learned counsel for the appellant has argued that the findings of the learned appellate Court are not legal and sustainable in law, inasmuch as the appellate Court under the law was required to look into the evidence and give its findings by framing points or determination. His view is that learned appellate Court has not pointed out as to how the findings of the trial Court are erroneous. His further argument is that the appeal being continuation of the original proceedings and the appellate Court was to decide the appeal on merits instead of remanding the case back to the trial Court. He has also argued that appellate Court has not disclosed in its findings that how the issues were not relevant and which issues should have been framed by the trial Court.

Mr. Muhammad Aziz Khan, Advocate for respondent has argued that the impugned judgment is in accordance with the law. He has stated that the suit filed by the appellant before the trial Court was barred by law when the respondent being co-owner in the property and was entitled to retain the possession of the property. He has stated that trial Court has not appreciated entire evidence and that the

suit of the appellant was also barred by Provision of Succession Act and by Section 42 of the Specific Relief Act.

Learned State counsel appearing for the State has adopted arguments of the learned Counsel for the respondent.

I have heard learned counsel for the parties and have gone through the material available on record. The impugned judgment shows that the appellate Court after hearing the contention of the parties has decided appeal by holding that the issues were not relevant to the controversy and how the trial Court without considering the legal aspects of the suit and giving findings thereon, had decided the case. The appellate Court has not disclosed in its findings as to how the issues were not relevant to the controversy between the parties. Even entire judgment is silent regarding the findings, which according to the appellate Court were erroneous and irrelevant to the issues. The appellate Court under the law was required to reappraise the evidence and give its findings by framing the points for determination. Failure of the appellate Court to frame points for determination and give its findings has resulted into miscarriage of justice. Though the appellate Court was competent to remand case back to the trial Court but while doing so, it was required to justify remanding the case to the trial Court.

The impugned judgment shows that appellate Court has not justified the conclusion by remanding the case back to the trial Court without any reason when the appeal was continuation of the trial, the appellate Court was to frame points for determination and give decision on merits instead of remanding the case back to the trial Court. In these circumstances, while setting aside the impugned judgment, I remand the case with the directions to the Appellate Court to decide the appeal on merits by framing points for determination within a period of two (02) months after receipt of this order.

Both the parties are agreed to appear before learned appellate court on 13.04.2016 at 11.00 a.m. to proceed with the appeal.

The instant II-Appeal is disposed of in the above terms along with listed applications.

Judge

Rafiq/P.A.

IN THE HIGH COURT OF SINDH AT KARACHI.

**CrI. Bail Application No.1220 of 2016
And
CrI. Bail Application No.1373 of 2016**

For hearing of Bail Application

05.07.2017

Ch. Faysal Iqbal, Advocate for the applicants in Cr. B.A. No.1220/2016
Mr. Muhammad Jawaid, Advocate for the applicant in Cr. B.A. No.1373/2016
Ms. Seema Zaidi, APG a/w I.O. /ASI Maqsood Ahmed P.S. Baloch Colony

ORDER

Muhammad Iqbal Kalhoro,J. By this order Cr. B.A. No.1220/2016 filed by appellant Hidayatullah and Shamsheer Alam in Crime No.108/2016 registered at Police Station Mehmoodabad, under Section 324, 34 PPC; and Cr. B.A. No.1373/2016 filed by applicant Irfanullah Marwat in Crime No.107/2016 registered at Police Station Mehmoodabad, under Section 302, 324, 34 PPC are disposed of.

2. It appears that these are counter cases filed by the parties against each other describing the incident occurring on **25.04.2016** at 2100 hours at Gali No.10, Sector-E, Akhtar Colony, near Bismiullah Masjid in which one Bahadur Khan, who was father of applicant Hidayatullah, was murdered and applicant Irfanullah Marwat was injured. Applicant Hidayatullah lodged FIR for murder of his father bearing Crime No.107 of 2016 in which he has alleged that there is a dispute over the plot with the accused party and on the day of incident when he along with his father Bahadur Khan (deceased), cousin Shamsheer and Gulzar Alam were present at the place of incident, four accused namely Irfanullah Marwat, Shamsheer, Ikram and Saeed Ahmed duly armed with weapons came over there and after exchanging some hot words

they all fired at his father, as a result of which he died at the spot. Whereas FIR bearing Crime No.108 of 2016 has been registered by Irfanullah Marwat, who is accused in Crime No.107/2016 and he has alleged that on the day of incident viz. **25.04.2016** at 2100 hours at the same place of incident accused party consisting of Hidayatullah, Sarwar Khan and Sahmsheer started quarreling with them and thereafter accused Hidayatullah fired from his weapon at him, as a result of which he sustained fire arm injury.

3. Learned Counsel for the parties have argued that applicants have been falsely implicated in this case and the case against them is one of further inquiry as no specific role has been attributed to any of the accused. Learned Counsel for the applicant in Cr. B.A. No.1373/2016 in support of his arguments has relied upon the case laws reported in ILR 13 Bom 241 and 1981 SCMR 1139.

4. On the other hand, learned APG has disclosed that the injury sustained by Irfanullah and attributed to the accused Hidayatullah in Crime NO.108/2016 falls within Section 337-F(iii) Cr. P.C. and is punishable for only three years. Whereas, in the murder case she has pointed out that the post mortem of the deceased was not conducted and there is nothing on record to show how many fire arm shots the deceased sustained and how he died.

5. I have heard the parties and perused the material available on record including the case law cited at bar. These are counter cases filed by the parties against each other. In FIR bearing Crime No.107/2016, under Section 302, 324, 34 PPC, although the applicant Irfanullah Marwat is nominated and is alleged to have fired but he has not been assigned any specific injury, even it is not disclosed in the FIR that with what weapon he or remaining accused were armed. As pointed out by the learned APG, there is no post mortem report to show the number of fire arm injuries sustained by the deceased and the exact cause of his death. The FIR is also silent as to out of four accused, whose firing hit the deceased. It is an established principle of law that in counter cases, the fact that which party was aggressor and which was aggressed upon requires further enquiry.

6. Insofar as, the case against applicant Hidayatullah and Shamsher is concerned, in the FIR only applicant Hidayatullah has been assigned the role of firing but as learned APG has pointed out the injury attributed to him falls under Section 337-F(iii) Cr. P.C. which does not fall within the prohibitory clause under Section 497(2) Cr. P.C. Applicant Hidayatullah himself is complainant of the FIR disclosing the incident in which his father was killed, therefore, in such circumstances his intention to cause murder of injured

Irfanullah Marwat who is accused of murder of his father requires further enquiry.

7. In view of above discussion, the bail of applicants Hidayatullah and Shamsher in Cr. B.A. No.1220/2016 is hereby confirmed on same terms and conditions on the basis of which they were granted ad-interim pre-arrest bail vide order dated **29.08.2016**; and the applicant Irfanullah Marwat in Cr. B.A. No.1373/2016, is also granted bail subject to his furnishing a solvent surety in the sum of Rs.2,00,000/ (Rupees two hundred thousand only) with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court

8. The above bail applications stand disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

IN THE HIGH COURT OF SINDH AT KARACHI.

C.P.No.S-439 of 2015

1. For hearing of CMA No.1830/2015
2. For hearing of Main case.

Petitioner : Faqir Muhammad & others through
Mr.Sikandar Khan Advocate ,

Respondents. : Iqbal Hassan Gazdar & others through
Mr. Iftikhar Jawed Qazi Advocate,

06.04.2016

ORDER

Muhammad Iqbal Kalhoro,J. The case of the petitioners is that they are tenants in property i.e. Flat No.1, Ground Floor, "Fatima Hajjani Building" RC-4/347, Opposite Gazdar School, Bohanji Street, Gazdarabad, Karachi, since for forefathers even before the partition. They admitted that the owners of the demised premises are respondents. However, their claim is that demised premises was rented out to them against Pugri and they are ready to vacate the demised premises, if amount of Pugri is paid to petitioners. In order to establish this point, learned counsel for the petitioners has referred to the

legal notice, which is available at Page-2 of the file and has read out para-2 of the same. Learned counsel has further referred to the evidence of Mst. Shahida, wherein she states that the petitioners are ready to vacate the demised premises subject to undertaking by the respondents that they would reside in the demised premises and would pay them value of the demised premises.

2. On the other hand, learned counsel for the respondents has argued that there is no material available on record to show that the petitioners were rented out the demised premises against any Pugri. Even otherwise, in rented premises, the Pugri has been held illegal by the Hon'ble Supreme Court in various decisions. The case is that the respondents are admittedly owner of the property and they were able to prove grounds on the basis of which they are seeking eviction of the demised premises before the trial Court and the appellate Court. He has further argued that the respondents are relying record of both the Courts below against the petitioners and no case for interference by this Court is made out.

3. I have heard both the learned counsel and perused the material available on record. There is no dispute insofar as relationship between the tenant and landlord is concerned. Petitioners are ready to vacate the demised premises subject condition that the respondents should pay the Pugri amount to them. The examination of the record does not reflect that the petitioners were rented out the demised premises against any amount of Pugri. I have seen the para-2 of the legal notice that discloses that the demised premises were given to the ancestors of the petitioners on good will basis. Learned counsel for the petitioners has tried to argue that good will imply that the demised premises were rented out to the petitioners on Pugri basis. I am not satisfied with the arguments that good will means that demised premises were rented out to the petitioners on the basis of some Pugri. I have also seen evidence no such conditions is pointed by the petitioners that they are ready to vacate the demised premises subject to payment of the value of the demised premises.

4. There are findings of two courts below, which shows that evidence of the parties was properly appreciated and due to appreciation of the evidence, the findings against the petitioners were given. In view of above facts and circumstances, I do not find any merits in the present petition to interfere in the findings recorded by both the Courts below. Accordingly, the instant petition is dismissed.

JUDGE

Rafiq/P.A.

IN THE HIGH COURT OF SINDH AT KARACHI.

Crl. Bail Application No.61 of 2016

1. For orders on office objections
2. For hearing of Bail Application

06.04.2016

Mr. Riaz Ahmed, Advocate for applicants/accused
 Mr. Abdul Haleem, Advocate for complainant
 Mr. Zahoor Ahmed Shah, APG

Muhammad Iqbal Kalhoro,J. Applicants are accused in crime 279 of 2013, registered on 31.05.2013 at Police Station Sachal Karachi, U/s 302, 34 P.P.C.

2. As per contents of the FIR brother of complainant namely Ghulam Haider was security guard at Caltext Patrolpump, main University Road, Karachi, when on the day of incident viz. 31.05.2013 at 0945 hours, he was murdered by some unknown accused persons who were in black colour Toyota Corolla Car. During investigation the said Car was identified with the held of CCTV Camera installed at the patrolpump. Resultantly, the accused namely Talah Agha was arrested and allegedly he during investigation disclosed name of the present applicants at the time of incident they were also available at the rear seat of car on the offence of such statement the names of the present applicants were included in the challan and they were shown absconders. Ultimately, the applicants were arrested in Crime No. 287/2014 of Police Station, registered for the offence U/s 147, 148, 149,

506/2,337A(i), 337F(1), 376, 365-B, PPC and their arrest in the present case was also shown in November, 2015.

3. Learned counsel for the applicants has argued that there is no material available against applicants and their names have been introduced in the case on the basis of statement of co-accused, which is inadmissible under the terms of the Article 182 of Qanun-e-Shahadat Order, 1984. He further argued that no identification parade after arrest of applicants has been held to confirm their involvement in the present case. His case is that none in the statement U/s 161 Cr.P.C. of the prosecution witness, the description of applicants is not mentioned and on the basis of evidence, if the evidence of the prosecution witness is recorded, it would be hardly prosecution established their guilt in the trial. Lastly he has relied upon the case of **RAJA MUHAMMAD YUNAS VS. THE STATE (2013 S C M R 669)**, **ASLAM KHAN VS. QAISER KHAN AND 2 OTHERS (1999 P CR. L J 582)** AND **SYED AMANULLAH SHAH VS. THE STATE (P L D 1996 SUPREME COURT 241)**.

4. On the other hand, learned counsel for the complainant has argued that applicants are habitual criminal and are involved in heinous offenses of murder and they do not deserve any concession of bail.

5. Learned A.P.G. has adopted the same arguments of learned counsel for complainant and has proposed that direction be given to the trial Court to record evidence of the prosecution witnesses first and then applicants may repeat file their bail application before the trial Court and whatever evidence come on record.

6. I have heard both the learned counsel for the parties and perused the material available on record. Admittedly, evidence against applicants is the statement of co-accused namely Talah Agha recorded before the police official that at the time of incident, they were also present in the rear seat of Car when co-accused Tlaah Agha was arrested. Applicant was not arrested

during investigation on the bases of such statement their names so included in the case and were not shown absconders this only after their arrest in Crime No. 287/2014 of Police Station, registered for the offence U/s 147, 148, 149, 506/2,337A(i), 337F(1), 376, 365-B, PPC. Learned counsel states that on each and every date of hearing witnesses are appearing before the trial Court and on pretext on the other accused are causing delay and progress of trial.

7. Be that as it may, I am of the view that the material prosecution is co-accused the applicants at the movement, as per well settled principal of law the bail application is only tentative assessment of the material available on record as to hold and well tentative material and it is also that applicants are more required for further investigation in terms of Section 497-2, Cr. P.C. . His remaining in jail is of no consequences to the prosecution. Resultantly, applicants are granted bail subject to their furnishing solvent sureties in the sum of Rs.2,00,000/ (Rupees two hundred thousand only) each with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court. However, the trial Court at the same, it is made clear that if some evidence come on record against applicants during the trial, the complainant would be at liberty to move an application U/s 497(5) for cancellation of before appeal and further shall be decided by the trial Court on its merits. The trial Court is also directed to expedite the mater and conclude the trial within a period of three (03) months and if there accused while absconders, their case shall be separated and trial Court proceed with the case.

JUDGE

;Rafiq/P.A.

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.207 of 2015**

Date	Order with signature of Judge
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For hearing of Bail Application.

16.08.2017.

Mr. Hussain Bux Sariyo, Advocate for applicant a/w applicant
Mr. Abrar Ali Khichi, DPG

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ORDER

MUHAMMAD IQBAL KALHORO, J. Applicant is accused in crime No. 06/2014, U/s 406, 407, 410, 413, 120-B, 201, 109, & 34 PPC, Police Station Bin Qasim Malir, Karachi and is seeking relief of pre-arrest bail through this application.

2. Complainant in the FIR has alleged that he is Manager in M/s. Water Link Pakistan (Pvt.) Limited and his Company deals with Afghan Transit business. He has reported theft of goods from various NATO containers in the FIR from **21.01.2013** to **06.02.2013**. On the basis of such information investigation started and co-accused Mehrban Shah was arrested. During interrogation, he disclosed name of the applicant as his accomplice. On the basis of his statement, the report under Section 173 Cr. P.C. was submitted, among others, against the applicant.

3. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that there is no confidence inspiring evidence against the applicant except statement of co-accused; that the main accused Mehrban Shah has been granted bail; that many other co-accused against whom similar role to that of the applicant has been alleged have also been granted bail. Learned counsel has referred to one of such bail order of accused Shahid Hussain available at page No.45 of this file.

4. On the other hand, learned DPG has opposed confirmation of bail to the applicant. However, he has not been able to show any other evidence except one already pointed out by the defence counsel.

5. I have considered the submissions of the parties and perused the material available on record. The name of the applicant does not transpire in the FIR and the challan report shows that his name was included in the case on the basis of statement of co-accused namely Mehrban Shah. Learned defence counsel has stated at bar that said co-accused has been granted post arrest bail by the trial Court. In the circumstances, rule of consistency appears to be applicable in the case of applicant. The applicant has been appearing for the last more than two years before the trial Court but still trial

has not been concluded. In view of such circumstances, the interim bail of applicant is hereby confirmed on same terms and conditions on the basis of which he was granted ad-interim pre-arrest bail vide order dated **18.02.2015**.

6. Bail application stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A.

Learned counsel for applicants has argued that the applicants are innocent and have been falsely implicated in this case; that there is no evidence except the alleged identification parade and recovery of pistol from the applicant No.2, which require further inquiry in terms of section 497(i) Cr.P.C. In regard to the applicants No.1 & 3, his argument is that there is no evidence at all against them; that applicant No.1 being a woman is entitled to the grant of bail as she has remained in the custody for more than six months; that her alleged role to be in league with the remaining accused is yet to be determined and presently there is no evidence in this connection.

4. On the other hand, learned counsel for the complainant has contended that the applicant No.1 is the main culprit as she was the one who had called other culprits on phone to commit murder of her husband and to this effect the evidence during investigation has been found; that all the three witnesses have identified not only other applicants but also the applicant No.1; that there is sufficient evidence to establish connection of the applicants with the commission of crime and at this stage when the charge has been framed and trial is set for evidence, the applicants are not entitled to the concession of bail.

5. Learned A.P.G has adopted the arguments of learned counsel for the complainant and opposed the grant of bail.

6. I have considered the submissions of the parties and perused the material available on record including the police papers. No doubt in the FIR no specific role is attributed to any one of the applicants, however, in the investigation police have been able to record statements of P.Ws, who have fully supported the prosecution case in the manner described in the FIR. After arrest, the applicants were put to the identification parade and were identified by these prosecution witnesses to be the culprits of the crime. It is also relevant to observe here that from applicant No.2 Muhammad Danish Yasin, a pistol was recovered which was found to have been used in the crime by the Ballistic Expert as 9mm empty which was recovered from the spot matched with the same pistol. Record also reflects that police recovered the vehicle viz. the car used in the commission of an offence at the instance of the applicants. All these pieces of evidence prima facie show connection of the applicants with the commission of offence. However, insofar as allegations against the applicant No.1 Mst. Kiran are concerned, it may be observed that although she is

alleged to be main culprit and said to have called co-accused who committed murder of her husband but the entire police papers, which I have seen, do not show that any record of her alleged phone call has been obtained during investigation. In my view the role of the applicant No.1 therefore, in the commission of offence is yet to be determined by the trial court. In view of the above discussion, bail application of applicant No.2 & 3 is dismissed, however, the applicant No.1 Mst. Kiran is admitted to bail subject to furnishing a solvent surety in the sum of Rs.200,000/- and P.R bond in the like amount to the satisfaction of the learned trial court. I have been informed that charge has been framed in the case and witnesses are in attendance. Learned trial court is directed to expedite the trial and conclude it within four months from today and submit such compliance report through MIT.