

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

Criminal Bail Application No.S-159 of 2020.

DATE	ORDER WITH SIGNATURE OF JUDGE
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04-05-2020

Mr. Adnan Ahmed Khan, advocate alongwith applicant.

Ms. SafaHisbani, Assistant Prosecutor General alongwith complainant.

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By means of this application, applicant GhulamAsghar seeks pre-arrest bail in Crime No.25/2020, under sections 457, 380, 34 PPC, registered at P.S. Husri, Hyderabad.

2. Complainant claims to work in a private TV news channel and has press club in his shop. He has alleged that on 10.02.2020 at about 05 a.m. his younger brother went outside home to deliver milk and witnessed applicant and co-accused Akbar alongwith unknown persons committing theft of press club articles viz computers, furniture, laptops, printers, cameras, etc. from his shop. In consequence,present FIR was registered. Co-accused Akbar was arrested and then was granted bail by the trial Court vide order dated 13.02.2020.After investigation Challan has been submitted.

3. Learned defence counsel has argued that civil litigation between the parties is pending. The applicant is owner of plot and shop which was purchased by the complainant but on account of some dispute the deal could not be finalized. The complainant has been moving applicationsregularly for registration of cases against the applicant.

4. The complainant who is present in person and learned Assistant Prosecutor General have opposed grant of bail to the applicant.

5. I have considered submissions of parties and perused material available on record which shows that between the parties civil litigation over the shop and plot is going on. Co-accused who was arrested and is nominated in FIR like applicant has been granted post-arrest bail andthe case of the applicant is at par with him. Although co-accused was arrested but

nothing was recovered from him during investigation/ remand period. Keeping in view such facts and civil litigation between the parties, false implication of the applicant out of malafide cannot be ruled out. Accordingly, this criminal bail application is allowed and ad-interim pre-arrest bail granted to the applicant vide order dated 17.02.2020 is confirmed on the same terms and conditions.

6. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

JUDGE

Irfan Ali