

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

Criminal Bail Application No.S-1026 of 2021.
Criminal Bail Application No.S-1045 of 2021.

DATE	ORDER WITH SIGNATURE OF JUDGE
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17.12.2021.

Mr. Ghulam Sarwar Baloch and Mr. Faizan Ahmed Memon,
advocates for the applicants.

Ms. Sana Memon, Assistant Prosecutor General Sindh.

Complainant is present in person.

ORDER

MUHAMMAD IQBAL KALHORO, J:- During an accident occurring on 28.05.2021 on Karachi-Hyderabad Super Highway near T-Moor sons of complainant namely Abdul Rehman and Amanullah while trying to ride a Rickshaw were hit by an Alto Car driven by co-accused Sharjeel. Abdul Rehman as a result of died and Amanullah got injured. FIR of this incident was registered on 17.07.2021 under Sections 320, 279, 337-F PPC. However after investigation section 320 PPC was replaced with Section 322 PPC and applicants were also joined as accused. Applicant Niaz is a Mechanic and applicant Rasik Shaikh is owner of "Planet Rent A Car". He had rented out the car to co-accused Sharjeel and applicant Niaz is a guarantor in the agreement whereby owner Mst. Husna had given the car to applicant Rasik Shaikh for business purpose. On the basis of such role they have been joined in the case. The main reason why the applicants have been joined in the case is that at the time of renting out the car, driving license of co-accused Sharjeel was not checked or verified and which has resulted into accident.

I have heard learned defence counsel, learned APG and complainant who is present in person. Complainant has opposed bail stating that the applicants are real culprits. Learned APG has however not supported the impugned order and submits that at the spot they were not present and this case is of rash and negligent driving and not of renting out the car to the co-accused Sharjeel without verifying his driving license. The applicants were neither present on the spot nor in the Alto car. There is no allegation against them that they were driving the car. Renting a car to a person without

verifying license by owner of 'Rent a car' business is neither an offence defined in PPC or any other relevant law nor is covered under the offences prima facie applicants have been booked in. Therefore, their case is one of further inquiry and until and unless evidence comes on record establishing their guilt under the alleged offences, they are entitled to concession of bail. Accordingly, both the bail applications are allowed. Applicants are admitted to post-arrest bail subject to their furnishing solvent surety in the sum of Rs.100,000/- each and P.R Bond in the like amount to the satisfaction of learned trial Court.

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

JUDGE

Irfan Ali