

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2675 of 2024

Applicant : Shaqib Afridi S/o Kaptan Khan
through Mr. Jahangeer Shaikh, Advocate

Respondent : The State
Through Ms. Rahat Ahsan, Addl. P.G.,
Sindh a/w SIP/I.O. M. Basharat

Date of hearing : 26.02.2025

Date of order : 26.02.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks pre-arrest bail in Crime No.345/2024 for the offence under Section 381 PPC registered at PS Jackson, after his bail plea has been declined by the learned Additional Sessions Judge-XII, Karachi West vide order dated 06.11.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, the applicant is innocent and has falsely been implicated in this case; that no recovery has been effected from the applicant to believe that he has committed the alleged offence; that the applicant has joined the investigation and he is no more required for further investigation. Lastly, he prays for confirmation of bail.

4. On the other hand, I.O./SIP M. Basharat present in Court confirms that applicant is a conductor of the said vehicle / wheeler truck and robbed cash amount of Rs.370,000/- so also passport, registration book and other documents. Learned Addl. P. G. also supported version of the I.O. and opposed for confirmation of bail.

5. Heard arguments and perused the record.

6. Admittedly the applicant is a conductor of the Vehicle/Wheeler Truck No.TLT-598. On the day of incident, the

said vehicle was in possession wherein cash amount of Rs.370,000/- so also passport, registration book and other documents was lying but subsequently the same were found missing, on which the complainant filed the instant FIR. Further, the applicant present in Court submits that though the vehicle was in his possession on the day of incident but in fact the said articles were stolen by some other person and he has no concerned with the commission of alleged offence; however, he has failed to apprise this Court as to who had stolen the said articles when the vehicle was in his possession. Since the applicant is on interim pre-arrest bail; as such, no recovery has been effected so far. At bail stage, only tentative assessment is to be made. No malafide or ill-will or enmity has been pleaded by the applicant/accused, which could be the ground for false implication in this case. Sufficient material is available on record to believe that the applicant has committed the alleged offence.

7. Further, the concession of pre-arrest bail cannot be allowed to an accused person unless the Court feels satisfied with the seriousness of the accused person's assertion regarding his intended arrest being actuated by *mala fide* on the part of the complainant party or the local police but not a word about this crucial aspect of the matter is found as no *mala fide* is made on the part of the complainant to believe that the applicant/accused has been implicated in this case falsely. In this context, the reliance is placed to the case of '**Rana Abdul Khaliq v. The STATE and others**' [2019 SCMR 1129]. In addition to the above, I would like to mention that grant of pre-arrest bail is an extraordinary remedy in criminal jurisdiction; it is a diversion of the usual course of law, arrest in cognizable cases; protection to the innocent being hounded on trump up charges through abuse of process of law, therefore, an applicant seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of *mala fide*, it is not a substitute for post-arrest bail in every run of the mill criminal case as it seriously hampers the course of the investigation.

8. In view of the above, the instant bail application is **dismissed**. Resultantly, the interim pre-arrest bail granted to the applicant/accused vide order dated 18.11.2024 is hereby recalled.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Kamran/PA