

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Appl. No.1718 of 2024

Date	Order with signature(s) of Judge(s)
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For hearing of Bail Application.

10.09.2024.

Mr. Muhammad Ilyas, Advocate for the Applicant.
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General Sindh.

Muhammad Karim Khan Agha, J. Applicant Abdul Samad Khan has been booked in FIR No.634/2024 under Section 381 PPC registered at P.S Korangi Industrial Area, Karachi. He applied for pre-arrest bail which was declined by the Court XIIIth Additional Sessions Judge (East) Karachi vide order dated 26.07.2024. Hence, the applicant has approached this Court for pre arrest bail.

2. The brief facts of the case as per FIR are that the complainant is working as Deputy Manager Admin in Pak Hy Oils Ltd. near NRL for the last three years. Applicant was working as Department Water Proofing Membrane plus application and according to the FIR water proofing and other items were stolen and sold by him. Hence the aforesaid FIR was lodged against the applicant.

3. I have heard learned counsel for the applicant as well as learned Assistant Attorney General and perused the record. I have been informed that complainant is not in touch with his counsel.

4. The offence under which the applicant has been charged carries maximum sentence of 07 years imprisonment and the general rules is that bail should be granted in such like cases unless exceptional circumstance exist. There is no exceptional circumstance existing in this case in order to decline the bail. It is noted that there is no eye witness for stealing the alleged properties/items by the applicant and none of the property or items has been recovered from the applicant which itself make this case one of further inquiry.

5. Under these circumstances, the pre arrest bail as granted earlier to the applicant **Abdul Samad Khan** by this Court is hereby confirmed on the same terms and conditions.

6. It goes without saying that this order is based only on a tentative assessment of the available record and shall have no bearing on the trial which shall be decided on merits based on the evidence produced before the trial Court.

7. The learned trial Court is directed to decide the case on merits expeditiously. Copy of this order shall be sent to the XVIIIth Judicial Magistrate (East) Karachi for compliance.

8. The instant criminal bail application is disposed of in the above terms.

JUDGE