

ORDER SHEET
IN THE HIGH COURT OF SINDH, AT KARACHI.

Criminal Bail Application No.2754 of 2023.

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

25.01.2024.

Mr. Jan Muhammad Khaskheli, Advocate for the applicants.
Mr. Abrar Ali Khichi, Additional Prosecutor General.

MOHAMMAD KARIM KHAN AGHA, J:- The Applicant Shahid S/o. Suleman and Sikandar Ali Gabar S/o. Gul Hassan Gabbar are being proceeded against before the Judicial Magistrate Mirpur Sakro in respect of FIR No.147/2023 U/s. 381, 379, 34 PPC registered at Mirpur Sakro. The applicant approached the IInd Additional Sessions Judge, Thatta for pre-arrest bail, however, the same was declined vide order dated 29.11.2023, hence the applicants have applied before this court for pre-arrest bail.

2. The brief facts of the case are that the applicant Shahid was looking after the scraps of doors, however, the same was stolen through a truck driven by Muhammad Zakir and when the truck was stopped Muhammad Zakir stated that the applicant Shahid was also involved in the theft of the scraps, hence the aforesaid FIR was lodged.

3. I have heard learned counsel for the applicants and learned Additional Prosecutor General Sindh and perused the record.

4. The offences for which both the applicants Shahid and Sikandar Ali have been charged with carry maximum sentence upto 07 years and upto 03 years imprisonment. The general rule in such like cases is that bail should be granted unless there are exceptional circumstances for declining the bail. There are no exceptional circumstances which exist in this case. It is to be noted that applicant Shahid was involved in this case on the statement of co-accused Muhammad Zakir which has no evidentiary

value and he was not arrested on the spot along with any of the allegedly stolen scrap. The other applicant Sikandar Ali is not even named in the FIR and it is unknown as to how his name came in this matter. The recovered scape is in possession of the prosecution and cannot be interfered with. Furthermore, the applicants are no longer wanted for investigation.

5. Based on the above discussion, the pre-arrest bail earlier granted by this Court to the applicants Shahid S/o. Suleman and Sikandar Ali S/o. Gul Hassan is confirmed on the same terms and conditions. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing of the outcome of the trial of the applicant which shall be decided by the concerned trial Court based on the evidence placed before it. The trial court is directed to complete the trial within 03 months of the date of this order. A copy of this order shall be sent to Judicial Magistrate Mirpur Sakro for compliance.

6. This pre-arrest bail application is disposed of in the above terms.

JUDGE

M. Arif