

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appl. No.2766 of 2023

Date

Order with signature of Judges

For hearing of Bail Application

25.01.2024.

Mr. Fasih-uz-Zaman Abbasi, advocate a/w applicant.
Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh.
Syed Nadeem ul Haque, Advocate for Complainant.

Mohammad Karim Khan Agha, J. Applicant Muhammad Kazim is facing trial before the Judicial Magistrate-IX Karachi-West in respect of FIR No.376 of 2023 of PS Jackson, Karachi lodged under Section 380 PPC. He applied for pre-arrest bail which was declined vide order dated 01.12.2023 by Additional Sessions Judge-III (West) Karachi. Hence, the applicant has approached this Court for pre-arrest bail.

2. Brief facts of the case are that the applicant along with his wife and others living in the house of complainant Mst. Salma who has alleged that a large amount of jewelry has been stolen from her house and based on suspicion the aforesaid FIR has been lodged against the applicant.

3. I have heard the learned counsel for the parties and learned Addl. Prosecutor General Sindh.

4. That the offence in which applicant has charged carries maximum sentence of 07 years in jail and in such like cases the general rule is that bail should be granted unless exceptional circumstance exists which justify the refusal of bail. In this case learned Additional Prosecutor General, Sindh has not been able to point out any exceptional circumstances. No recovery of any jewelry has been made from the applicant and the FIR appears to be based on suspicion. There is no eye witness to the theft of jewelry. The charge has been framed as such the applicant is no longer required for investigation.

5. Based on the above discussion, I find that the applicant has made out a case for pre-arrest bail as such his pre-arrest

bail granted earlier by this Court on 06.12.20-23 is confirmed on the same terms and conditions.

6. This order is based only on a tentative assessment of the evidence and the learned trial Court shall proceed and decide the same on merits expeditiously. Copy of this order shall be sent to Judicial Magistrate-IX Karachi-West for compliance.

7. The instant criminal bail application stands disposed of in the above terms.

JUDGE