

ORDER SHEET

THE HIGH COURT OF SINDH AT KARACHI

Cr. Misc. Appln. No.111 of 2016

Date Order with Signature(s) of Judge(s)

For hearing of Main Case.

Date of hearing : 30.06.2016

Mr. Mushtaq Ahmed Joyia Advocate for Applicant
Mr. Muhammad Javed K.K. Standing Counsel

ORDER

Abdul Maalik Gaddi, J. – Through instant criminal miscellaneous application, the applicant has prayed that this Hon’ble Court may graciously be pleased to reduce the surety amount of applicant from Rs.300,000/- to Rs.50,000/-, as the applicant is poor and could not arrange the required surety amount, hence, this application may pleased be allowed on humanitarian grounds in the interest of justice.

2. The facts necessary for the disposal of this criminal miscellaneous application are that applicant Mumtaz Hassan Zubairi is facing trial in crime No.219/2011 registered under Sections 17(2-b)/18(a)/22(b) Emigration Ordinance, 1979 of police station FIA, A.H.T. Circle, Karachi, in the Court of Special Judge (Central-II), Karachi. It appears from the record that said applicant was granted bail by the trial Court on 07.10.2015 subject to furnishing his solvent surety in the sum of Rs.500,000/- and P.R. bond in the like amount to the satisfaction of the trial Court. Though surety amount was reduced from Rs.500,000/- to Rs.300,000/- by the trial Court but still he failed to arrange the said surety amount for his release, therefore, he filed application to the trial Court for further reduction of the surety amount, which

was refused vide order dated 27.04.2016. The bail was granted to him about eight months back but he has not been able to secure his release by furnishing his requisite sureties.

3. Mr. Mushtaq Ahmed Joyia, learned counsel for applicant has contended that applicant is too poor to arrange for his heavy surety amount with the result that he is still in custody although the concession of bail was extended to him as far back as 07.10.2015. He has placed reliance upon the two cases of this Court reported as Abdul Qadir v. The State (PLD 1991 Karachi 353) and Kamal and another v. The State (1992 P.Cr.L.J. 1152) in an attempt to show that the object of calling upon the accused to furnish the surety is not to penalize him but to ensure his presence before the trial Court. It is pertinent to mention here that co-accused Muhammad Rehan was granted bail by the trial Court almost on same facts and grounds in the sum of Rs.50,000/- and P.R. bond in the like amount, therefore, in my view the present applicant is also entitled for same treatment.

4. Faced with this situation, Mr. Muhammad Javed K.K., Standing Counsel has conceded to the reduction of the surety amount to a reasonable extent, and I think rightly. Accordingly, this criminal miscellaneous application seeking reduction of surety amount is accepted and the amount of bail bond is reduced from Rs.300,000/- to Rs.50,000/- with P.R. bond in the like amount to the satisfaction of the trial Court.

5. This criminal miscellaneous application stands allowed in the above terms.

JUDGE

Faizan/