

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr.B.A No.1478 of 2015

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

For hearing of Bail Application

18.12.2015.

Mr. Hassaan Sabir, Advocate for the Applicant.
Mr. Muhammad Qasim, Standing Counsel.
I.O Mansoor Khan present.

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The very fact that prosecution is playing hide and seek is enough to appreciate that prosecution has no case to defend at least bail. The Court has been repeatedly giving dates to Prosecution to place their case in accordance with law. Diary dated 18.11.2015 suggests that a warning was given that in case of none appearance of Prosecutor on the next date this bail application will be decided on the basis of material available on record. Mr. Muhammad Qasim, Standing Counsel had sought time in presence of Investigation Officer. Again on 20.11.2015, I.O was present and request was made for adjournment and **two weeks'** time was given. Then on **04.12.2015** Barrister Zahid Jameel appeared as Special Prosecutor and sought time without even authorization to appear in this case and undertook to file authorization. Again **two weeks'** time was given with the observation that "offences alleged are bailable". Today I.O present in Court informs that there are three Special Prosecutors but all the three are on general adjournment. The liberty of a man cannot be compromised without merit for keeping him in jail merely because not one or two but three Special Prosecutors of FIA are on general adjournment. In the given facts and circumstances, this Court in

number of unreported cases has granted interim bail on account of non-preparedness of prosecution without touching merit of the case. To quote a few examples one such order was passed on **20.7.2007** by this Court comprising the then Hon'ble Chief Justice, Mr. Justice Sabihuddin Ahmed and Mr. Justice Nadeem Azhar Siddiqui, in CP No.D-1495/2007 and I had appeared for the petitioner. In a recent case on **20.8.2015** a Division Bench of this Court comprising Mr. Justice Irfan Saadat Khan and Madam Justice Ashraf Jehan in CP No.D-6673/2014 granted interim bail in post arrest bail. Likewise even Hon'ble Supreme Court in Civil Petition No.98-K/2008 had granted interim bail in a post arrest petition for bail by order dated **8.2.2008**.

In view of the above unreported judgments of Division Benches of this Court and order of the Hon'ble Supreme Court, since the applicants are charged with offences which carries punishment of two years imprisonment or fine or both and prosecution is on general adjournment the accused/applicants are admitted to interim bail subject to furnishing solvent surety in the sum of **Rs.1,00,00,000/-** (Rupees One Crore Only) each and P.R bond in the like amount to the satisfaction of the Nazir of trial Court.

Adjourned to 20.1.2016 for confirmation or otherwise.

JUDGE

SM

