

**ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**

Criminal Bail Application No.S-746 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
-------------	--------------------------------------

25.05.2017.

Mr. Eijaz A. Awan, Advocate for applicant.
Mr. Shahid Ahmed Shaikh, A.P.G.

Applicant is present on interim pre-arrest bail granted to him by this Court vide order dated 08.09.2016. Today this bail application is fixed for confirmation or otherwise.

Facts of the case need not to be reiterated here as the same have already been stated in the memo of bail application.

It is stated by the learned counsel for the applicant that the applicant/accused is innocent and has been falsely implicated in this case by the police. He further argued that police has conducted raid at the clinic of the applicant/accused in order to disgrace and humiliate him with malafide intention and that on the face of it, the prosecution story appears to be false. It is further argued that the Pakistan has a mixed health care delivery system including both State and Non-State provides and for profit and not for profit organizations, after 18th constitutional amendment role of Federal and Provincial governments have been redefined, with responsibility for delivery of health and related services transferred to the Provincial governments. The provincial assembly enacted a law and passed Sindh Allopathic Un-authorized Act No.XLViii, 2015 which is a special

law and having maximum punishment of one year or fine Rs.1,00,000/- or both. He further argued that offences with which the applicants/accused is charged does not fall within the prohibitory clause of Section 497 Cr.P.C and that there is no material available on record to connect the applicant/accused with alleged offence, as he has no any concern with the alleged clinic or profession of Attai Quack. Learned Counsel for applicant/accused submits that challan against applicant/accused has already been submitted before the Trial Court where he is appearing regularly. He further submitted that co-accused Khalid s/o Iqbal Ahmed has been granted post arrest bail by this Court almost on same facts and grounds, therefore, according to him this applicant/accused is also entitled for same treatment.

Learned A.P.G. half heartedly argued the matter.

It is an admitted fact that co-accused Khalid has already been granted post arrest bail by this Court almost on same facts and the allegation against the applicant/accused is almost on same fact, therefore, this applicant/accused is also entitled for same treatment. Even otherwise the offences under which applicant/accused is charged are either bailable or their punishment do not fall within the prohibitory clause of section 497 Cr.P.C. Trial of the case has already been commenced as stated by learned A.P.G and this applicant/accused is appearing before this Court as well as Trial Court. Therefore, under the circumstances, interim pre-arrest bail already granted in favour of the applicant/accused vide order dated 08.09.2016 is confirmed on the same terms and conditions with direction to the applicant to appear before the Trial Court to face the trial.

Trial Court is also directed to conclude the trial in accordance with law within a period of three months after receipt of this order and compliance report be submitted to this Court.

Bail application disposed of.

JUDGE