

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CrI. B.A No.268 of 2018

Date	Order with signature of Judge
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1. For hearing of M.A No.1718/2019 (U/A).
2. For hearing of M.A No.1719/2019 (Ex/A)
3. For hearing of bail application

25.02.2019

Mr. Zakir Hussain Khaskheli, advocate a/w applicant
Muhammad Hameed.

Applicant through instant bail application seeks bail before arrest in **FIR No.06/2017**, under **Sections 420/406/506/34 PPC** registered at police station Joharabad, Karachi.

Record shows that after obtaining bail before arrest on **29.08.2017**, in Cr.B.Application **No.1354/2017** learned counsel for the applicant remained absent on almost every date of hearing, therefore, Cr.B.A **No.1354/2017** was dismissed for non-prosecution by order dated **18.2.2019**, which is reproduced as under:-

18.02.2019

None present for the applicant.
Ms. Amna Ansari, DPG.

None present for the applicant. The record shows that after obtaining bail before arrest on **29.08.2017**, learned counsel for the applicant remained absent on almost every date of hearing, therefore, on the last date of hearing i.e **14.02.2019** following order was passed:-

14.02.2019

*Ms. Shazia Bibi, advocate holding brief for Mr. Zakir Hussain Khaskheli, advocate for the applicant.
Ms. Rahat Ahsan, Additional P.G.*

*Learned counsel for the applicant is reported to be busy before Hon'ble Supreme Court and a request for adjournment is made on his behalf. The record shows that on **29.8.2017** interim bail was granted and since then the counsel for the applicant has never attended the Court at least since **October, 2017**. On **25.10.2017**, **23.11.2017** and **08.12.2017** Ms. Shazia, advocate held brief on behalf of counsel for the applicant. Then on **28.12.2017** none was present on behalf of the applicant. Then on **14.2.2018** Mr. Zakir Hussain,*

*advocate for the applicant was in Islamabad. Then on **20.3.2018** Mr. Siraj Chandio, advocate held brief on his behalf. Then on **13.4.2018** and **17.5.2018** Ms. Shazia, advocate held brief on behalf of counsel for the applicant. Then again on **21.6.2018** counsel for the applicant was busy somewhere else. Then on **13.8.2018** and **31.8.2018** Ms. Sehrish held brief on behalf of counsel for the applicant. Then on **12.9.2018** Ms. Shazia held brief on behalf of counsel for the applicant. Then on **01.10.2018** after one year counsel for the applicant was present. Then on **16.10.2018** Ms. Shazia, advocate held brief on his behalf. Then again on **04.12.2018**, **09.01.2019** and **24.01.2019** counsel for the applicant remained absent. Today again Ms. Shazia holds brief on behalf of counsel for the applicant. This is a sheer abuse of the process of the Court after obtaining bail before arrest, therefore, as a matter of last chance this case is adjourned to **18.02.2019**. If on the said date counsel for the applicant will not be present, this bail before arrest application will be dismissed for non-prosecution.*

In view of above order read with report of the SHO dated **14.02.2019**, this bail before arrest application is dismissed and the surety is forfeited.

Today again the applicant has filed second Cr. Bail Application bearing **No.268/2019** on the same ground. No fresh ground has been taken. Even otherwise bail before arrest is an extra ordinary relief as compared to bail before arrest and therefore, it was not supposed to be misused as is apparent from the order reproduced above from the previous bail application. The accused is categorically nominated in the FIR for committing fraud and cheating involving around **Rs.1,60,00,000/-** it is not alleged that the transaction which is complained in the FIR has not taken place. Be that as it may, since earlier bail before arrest has been dismissed and second bail application cannot be granted on the same terms and conditions nor the circumstances after lapse of more than a year and six months could remain the same. It may further be added here that earlier bail application was dismissed on **18.2.2019** and since **18.2.2019** till today i.e **25.2.2019** neither the applicant has been arrested by the

police nor he has contested earlier bail application, therefore, this bail application is dismissed having no merits.

JUDGE

SM