

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Criminal Miscellaneous Application No.369 of 2018

Date	Order with signature of Judge
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Before: Mr. Justice Nazar Akbar

Applicant No.1 : Muhammad Tariq, through
Mr. Muhammad Bilal Rasheed, Advocate.

Versus

Respondent No.1 : Atbar Muhammad.
Respondent No.2 : Mian Saeed.
Respondent No.3 : Sher Muhammad alias Zahid.

Respondent No.4 : The State.

Date of hearing : **05.04.2019**

Date of Decision : **05.04.2019**

ORDER

NAZAR AKBAR, J. Through this Criminal Miscellaneous Application the applicant has challenged the common order dated **13.11.2018** passed by the II-Additional Sessions Judge, West Karachi in Crl. Bail Applications No.2436/2018 and 2447/2018, whereby the interim pre-arrest bail earlier granted to Respondents No.1 to 3 in Crime/FIR No.484/2018 under Sections 448/408/34 PPC registered at P.S SITE-A Karachi, was confirmed.

2. Learned counsel for the applicant is unable to point out any ground for recalling order granting bail. Learned counsel has not advanced even ground for seeking cancellation of bail. He has attacked the bail granting order as he is addressing an appellate Court to set aside the impugned order.

3. I have perused the record available in the Court file. The contents of FIR show that civil litigation is pending between the parties over a plot and in this respect suit No.1612/2010 is also pending before this Court. The perusal of impugned order reflects that there was nothing against the Respondents /accused to show that they did not cooperate with the investigation or misused the concession of bail. The bail cannot be recalled/ cancelled merely on the ground that the accused/Respondents are nominated in FIR and it is yet to be determined at trial as to whether Respondents/accused have sold the machinery and plot, therefore, bail granted by the trial Court cannot be cancelled. There is no allegation of misuse of bail by Respondents /accused.

4. In view of the above, instant Criminal Miscellaneous Application was dismissed by short order dated **05.4.2019** and these are the reasons for the same.

JUDGE

Karachi
Dated: 06.04.2019

Ayaz Gul