

Order Sheet
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Application No. 168 of 2019

Date	Order with Signature of Judge
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FOR HEARING OF BAIL APPLICATION.

Date of short order : 09.07.2019.

Applicant Muhammad Tahir through Mr. Nasir Ahmed, advocate.
State through Mr. Sagheer Ahmed Abbasi, APG.

ORDER

FAHIM AHMED SIDDIQUI, J:- The applicant is seeking his release on post arrest bail in a case registered against him by lodging FIR No. 117/2017 at PS Mehmoodabad, Karachi under Sections 337-G, 427, 279, 337-A(i) PPC under the statement of injured Hamid Bhatti, who succumbed to his injuries during treatment, as such Section 320, 322 and 114 PPC were added in the FIR. Prior to raising this plea of post arrest bail, a similar plea was declined by the learned Additional Sessions Judge-III, Karachi South through the order dated 21-01-2019, which is impugned here.

2. The learned advocate for the applicant as well as learned APG argued at length. In the light of their arguments and citations, I have observed as under:

- (a) The allegations against the applicant are that on account of reckless and negligent driving of a truck bearing No. JT-3605, he caused an accident in which he injured Javed Bhatti. The said injured was shifted to hospital and subsequently expired during treatment.
- (b) Initially, the applicant succeeded in getting bail but subsequently the bail cover was vanished when the injured expired and penal sections changed. On account of recalling of bail order due to change in sections, the applicant was arrest.
- (c) The applicant is not arrested on the spot and he was subsequently arrested on a tipoff, received through some spy informer.

(d) It is said that the applicant is identified by a waiter of Al-Naz Biryani Centre but there is no identification test parade, as such the case against the applicant requires further probe.

3. In view of the above observations, I am of considered opinion that a case of bail has been made out. Hence, the applicant is admitted to bail subject to furnishing a solvent surety of Rs. 10,00,000/- (ten hundred thousand) only and P.R. bond in the like amount up to the entire satisfaction of the trial Court through a short order dated 09-07-2019 and these are the reasons for the same.

4. Before parting, I would like to make it clear that if the applicant after getting bail will not appear before the trial Court and the trial Court is satisfied that the applicant becomes absconder and fugitive to law, then the trial Court is fully competent to take every action against the applicant and his surety including cancellation of bail without making a reference to this Court.

Dated: _____

J U D G E