

ORDER-SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Crl. Bail Application No. 497 of 2018.

Date of hearing	Order with signature of Judge
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03.07.2019

Haji Ali Akber, advocate for the applicant  
Mr. Sagheer Abbasi, APG.  
Complainant present in person  
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FAHIM AHMED SIDDIQUI, J: This order will dispose of the above bail application moved on behalf of applicant Kashan Zia son of Ziauddin Qureshi. The applicant, by filing this application raised the plea for his release on bail during trial in a case registered against him and other co-accused through FIR No. 470/2017 at Police Station Shahra-e-Faisal, Karachi under Sections 147, 148, 149 & 337-f(v) PPC.

2. The learned advocate for the applicant and the learned Prosecutor enjoyed the full opportunity of addressing the Court. I have considered their valued submissions and gone through the record of the case. On the basis of hearing and perusal of record, I have observed as under:

- a) The allegation against the applicants is that he along-with other co-accused caused injuries to the complainant party with batons, iron rod etc while two of them were armed with pistols. The motive behind the incident is described as the restraining by PW Kamran to the accused persons from taking intoxication.
- b) All the sections areailable except Section 337-f(v) for which the maximum punishment provided as 5 years imprisonment and daman.
- c) There is general type of allegations in the FIR against the accused persons .
- d) The injured Agha Ahmer is not cited as witness and he was made witness subsequently while his statement was recorded after one and half year of the incident.

- e) The alleged injured witness Agha Ahmer in his deposition has not alleged for any overt act regarding the applicant and he has only mentioned his presence at the scene of offence.
- f) In the instant matter, co-accused are on bail as such in view of Muhammad Ramzan v. Zafarullah 1986 SCMR 1380, the applicant is also entitled for the pre-arrest bail.

3. In view of the above observations, I am of considered opinion that a case of pre-arrest bail has been successfully made out, hence the interim bail order dated 02-04-2018 in favour of the applicant is confirmed on the same terms and conditions.

4. Before parting, I would like to make it clear that if the applicant, after confirmation of this pre-arrest bail, will avoid to 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.

5. These are the reasons for my short order dated 03-07-2019 and I would like to make it clear that, the above observations are purely tentative in nature and the same is only meant for the disposal of instant pre-arrest bail application and would have no impact or effect on either party's case during trial.

**JUDGE**

Dated: \_\_\_\_\_