

Order Sheet
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Application No. 855 of 2019

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

Date of short order : 09.07.2019.

Mr. Meher Qadir Khan, advocate for the Applicant.
Mr. Sagheer Ahmed Abbasi, APG.

ORDER

FAHIM AHMED SIDDIQUI, J:- The applicant is facing trial before Special Court CNS-I, Karachi in Special Case No. 1332/2018, which was initiated against him on the basis of FIR No. 398/2018 under Section 6/9(c), CNS Act, 1997 lodged at PS Peerabad, Karachi. Prior to moving the instant post arrest bail, the applicant also moved similar application before the trial Court, which remained fruitless through order dated 23-04-2019, which is impugned here.

2. The learned advocate for the applicant and the learned Prosecutor argued the matter at length. After considering their valued submissions and consulting the available record, I have observed as under:

- (a) The allegations against the applicant is that on 07-10-2018, he was intercepted by the police. The applicant and his associate opened fire upon police. Police retaliated in their defence and after encounter the applicant was arrested from whom 2040 gram chars was recovered. However, his co-accused Muhammad Ameer succeed in running away after throwing a shopper from which 1030 gram chars was recovered.
- (b) Besides the instant case, two other cases were also registered against the applicant regarding police encounter and recovery of illicit weapon viz. 30 bore pistol.
- (c) It is argued that the applicant is acquitted in the companion cases but it cannot be a ground for considering a bail plea, as every criminal case is to be dealt with on its own footing.

- (d) There are series of cases registered against the applicant including narcotics case. The learned prosecutor pointed out that there are 9 criminal cases registered against the applicant as per CRO report.
- (e) At this stage the contention of the learned counsel for the applicant cannot be considered that in all the other narcotics cases, the applicant succeeded in getting bail. Besides, getting bail in one criminal case does not create ground of bail in other criminal case.
- (f) Since considerable quantity of narcotics was recovered during the episode; therefore, plea of foisting such recovery does not appeal to the prudent mind.

3. In view of the above observations, I am of considered opinion that no case of bail has been made out for the applicant hence the instant bail application is declined. However, the trial Court is directed to pace-up the trial and dispose of the same within a period of two months and in case of failure the applicant is at liberty to repeat bail plea before the trial Court.

4. These are the reasons for my short order dated 09-07-2019 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 purpose of disposal of instant bail application and would have no bearing on either party's case during trial.

Dated: _____

J U D G E