Order Sheet IN THE HIGH COURT OF SINDH AT KARACHI Cr. Bail Application No. 903 of 2019

Date Order with Signature of Judge

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FOR HEARING OF BAIL APPLICATION.

Date of short order: 12.07.2019.

Mr. Ajab Khan Khattak, advocate for the Applicants. Syed Miral Shah Bukhari, Addl. P.G. alongwith the Complainant Muhammad Ali.

ORDER

FAHIM AHMED SIDDIQUI, J: The applicants are facing trial before the Sessions Court, Karachi East in Sessions Case No. 445 of 2019 initiated upon FIR No. 447 of 2018 lodged at PS Gulshan-e-Iqbal, Karachi under Section 365, 395 and 34 PPC. The applicants' request for their release on bail during trial was declined by the learned trial Court vide order dated 18.06.2019, which is impugned before this Court.

- 2. The learned advocate for the applicants 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 applicants are that they have abducted the complainant from his way to home and then forced him to escort up to his residence from where they committed dacoity. During dacoity, someone informed police and police reached on the scene of offence, where encounter took place and the applicants received injuries on their right legs and arrested.
 - (b) In companion cases of alleged recovery of crime weapon and police encounter, the applicants have been acquitted after fulldressed trial before an Anti-Terrorism Court. The certified copy of such acquittal judgment is annexed with the instant bail application.

- (c) The acquittal judgment of ATC speaks that the case against the applicants is doubtful as such benefit of doubt was extended to the applicants.
- (d) No doubt the applicants are involved in a heinous offence but since the companion case failed after trial as such there remains no reason to keep the applicant in Jail.
- (e) It is pertinent to mention that after arrest the recoveries have been effected from the applicants and investigation is completed, as such their jail custody will not be beneficial for the prosecution.
- (f) The applicants are continuously in custody since their arrest, and complainant present in Court has not made any complaint against the applicants, besides refusing bail will amount to punishment in advance.
- 3. In view of the above observation, I am of considered opinion that a case of bail has been made out. Hence, the applicants are admitted to bail subject to furnishing solvent surety of Rs. 1,00,000/- (One hundred thousand) each only and P.R. bond in the like amount up to the entire satisfaction of the trial Court through a short order dated 12-07-2019 and these are the reasons for the same.
- 4. Before parting, I would like to make it clear that if the applicants after confirmation of pre-arrest bail will not appear before the trial Court and the trial Court is satisfied that the applicants become absconder and fugitive to law, then the trial Court is fully competent to take every action against the applicants and their surety including cancellation of bail without making a reference to this Court.
- 5. I would like to make it clear that the above observations are purely tentative in nature, and the same are only meant for the purpose of disposal of instant pre-arrest bail application and would have no bearing on either party's case during trial.

Dated:	JUDGE
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