## Order Sheet IN THE HIGH COURT OF SINDH AT KARACHI Cr. Bail Application No. 956 of 2019

Date Order with Signature of Judge

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## FOR HEARING OF BAIL APPLICATION

Date of short order: 23.07.2019.

Applicant Zubair through Syed Gulzar Hussain, advocate. Complainant Allah Ditta is in person.
State through Mr. Sagheer Ahmed Abbasi, APG.

## ORDER

FAHIM AHMED SIDDIQUI, J:- The Applicant is seeking prearrest bail in case registered against him at PS Shah Latif Town, Karachi through F.I.R. No. 264/2008 under Sections 380, 411, 506 & 34 PPC. A similar plea of the Applicant was already declined by the Additional Sessions Judge-II, Malir, Karachi through impugned order dated 04-07-2019.

- 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 levelled by the Complainant against the Applicant are that the applicant committed theft of documents of Plot No. L-233, Sector 21-C, Shah Latif Town, Karachi from the house of the Complainant and thereafter handed over the said documents to co-accused Younis Niazi and Hamza, who had sold the same to an estate agent.
  - b) The FIR has been lodged in the year 2008, wherein the Complainant has specifically mentioned the name and role of the present Applicant, who has chosen to remain absconder for a long period of 11 years and after that he appeared before the Court.
  - c) Though the co-accused Muhammad Younus has been acquitted by the trial Court, but the case of the present Applicant has been

kept in dormant file, as the Applicant has absconded and never appeared to face the trial.

- e) Per learned counsel for the Applicant, the Applicant was unaware about the registration of the instant FIR, as he was not in country, but the learned counsel has failed to produce any proof to show the stay of the Applicant abroad or to place on record the passport of the Applicant, which could demonstrate that he was in fact out of country.
- f) The Applicant has remained an absconder for a long period of eleven (11) years and in my view an absconder is not entitled for a relief of pre-arrest bail.
- 3. In view of the above observations, I am of considered opinion that no case of pre-arrest bail has been made out for the applicant hence the instant bail application is declined and the interim bail order dated 12-07-2019 is recalled.
- 4. These are the reasons for my short order dated 23-07-2019 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 pre-arrest bail application and would have no bearing on either party's case during trial.

	JUDGE
Dated:	