

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No.650 of 2020

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

For hearing of bail application

Muhammad Asad ..Vs... The State

23.06.2020

Mr. Irfan Ali, advocate for the applicant.
Ms. Rahat Ahsan, Addl.P.G. Sindh.

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1. Through instant bail application, applicant/accused seeks bail after arrest in **FIR No.41/2020**, under **Section 365-B/109 PPC** registered at police station Mehmoodabad Karachi. Earlier the applicant/accused approached the IIIrd Addl. Sessions Judge, South, Karachi for post arrest bail, which was declined vide order dated **03.04.2020**. Thereafter, the applicant approached this Court for grant of post arrest bail.

2. The facts are mentioned in the FIR, therefore, not needed to be reproduced herein.

3. Learned counsel for the applicant contended that applicant/accused is innocent and has falsely been implicated in this case with malafide intention nor any role is given to him by the complainant in the FIR. He contended that co-accused Muhammad Habib has already been granted bail in the present FIR so the present applicant/accused is also entitled for concession of bail on the rule of consistency.

4. Learned Addl. P.G opposed the bail application contending that present applicant/accused has facilitated the main accused in the commission of crime.

5. I have heard the arguments and perused the record and I have noticed as under:-

- i. Learned counsel contended that neither name of present applicant is mentioned in the FIR nor he has been implicated by the victim, who has said to have

been abducted as per FIR by one Hassan and his father Muhammad Habib.

- ii. He further contended that accused who has been nominated in the FIR has already been granted bail by the trial Court.
- iii. He contended that even in the interim challan submitted present applicant has not been nominated/implicated in the offence under Section 365-B PPC.
- iv. Learned Prosecutor opposed the bail application, however, she could not show from the record that role, if any, of the present accused was more grievous than the co-accused who has been released on bail.
- v. Applicant/accused is behind the bars for more than four month and is no more required for further investigation; therefore, no useful purpose would be served by keeping the applicant behind the bars for indefinite period.

6. In view of the above, the applicant / accused is admitted to bail subject to furnishing solvent surety in the sum of **Rs.50,000/-** and P.R bond in the like amount to the satisfaction of trial Court.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant/accused on merits.

JUDGE