

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
Criminal Bail Application No. 1127 of 2020

Date	Order with Signature of the Judge
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For hearing of bail application.

Heard on : 24.8.2020  
Decided on : 24.8.2020  
For Applicant : Mr. Ghulam Asghar Sain, Advocate  
For Complainant : Mr. Muhammad Rehan Qureshi, Advocate  
For State : Mr. Sagheer Ahmed Abbasi, A.P.G Sindh.

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**Kausar Sultana Hussain, J.**:- On dismissal of Bail Before Arrest Application No. 1851 of 2020, by the trial Court, vide order dated 17.07.2020, the applicant Muhammad Mansha has approached this Court, by filing instant Bail Before Arrest Application under Section 498 Cr.P.C, for obtaining interim pre-arrest bail order in crime No. 145 of 2020, under Section 336-B/34 PPC of PS Al-Falah.

2. Precisely stated the allegation against the applicant/accused is that on 10.5.2020 at 10:15 PM, at road opposite Graveyard Azeempura Road, Malir Halt, Karachi, he alongwith three other co-accused persons thrown the corrosive substance i.e Sulphuric Acid at back, left shoulder, neck and head of the complainant Muhammad Irfan owing to which he burnt, hence this FIR was lodged.

3. I have heard the learned counsel for the applicant/accused and learned A.P.G with the assistance of the learned counsel for the complainant.

4. After hearing the arguments of learned counsel for the applicant/accused and learned A.P.G with the assistance of learned counsel for the complainant, and while going through the entire record available before this Court, it reveals that the

applicant/accused is nominated accused in the F.I.R and his specific role and overt act done by him has been described therein. Medical Report of MLO also reflects the burnet marks over the body of the complainant. The P.Ws have implicated the applicant/accused while recording their 161 Cr.P.C statements; suffice is to say that bail cannot be claimed as a right in heinous crimes especially those fall within the prohibitory clause of Section 497 Cr.PC. Every case has its own peculiar background and consequent standing for grant of bail based on available facts and circumstances which led to commission of such crime, the Court has to weigh them with utmost care and caution while passing order. In the instant case applicant/accused failed to advance cogent reasons and rationale, which could warrant grant of concession of bail as elucidated by this Court in forgoing discussion.

5. The observations recorded above are tentative in nature, therefore, trial Court shall not be influenced with them in any manner whatsoever.

6. The above are the reasons for recalling of interim order dated 30.7.2020 passed by this Court and dismissal of bail application dated 24.8.2020, of the applicant/accused.

