

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No. 965 of 2020

Muhammad Ameen.....Applicant

Versus

The State.....Respondent

Date of Hearing:- **30.07.2020**

Ms. Shabana Chouhan, advocate for applicant

Mr. Sagheer Abbasi, APG for State

ORDER

Fahim Ahmed Siddiqui, J: The applicant Muhammad Ameen son of Murad is facing trial in a case registered against him vide FIR No. 131 of 2020 lodged at PS Malir Cantt., Karachi u/s 6-9(c) of CNS Act. Previously, the similar plea of the applicant has been declined by the trial Court vide order dated 02.07.2020.

2. I have heard the arguments advanced from either side and perused the available record in the light of valued submissions made before me. After edifying myself from the arguments advanced and perusal of record, I have observed as under:

- (a) Allegation against the applicant is that he was arrested during routine patrolling while boarding in a car at passenger seat.
- (b) At the time of interception by the police party, person who was driving the car succeeded in escaping from the scene of offence.
- (c) Allegedly on search of car, 7400 grams charas was recovered from gas cylinder fixed/placed in bonnet/diggi of car.
- (d) Police record reveals that the applicant who is a tender age boy disclosed that he was persuaded by the driver of car to go to Peshawar as he had to collect some amount from there.

- (e) From the interim report, it transpires that the applicant during investigation disclosed that he was persuaded by driver namely Abdul Hameed Pathan to go to Peshawar as he had to bring Rs.20 lac from there for which he would give Rs.20,000/- to him due to which Muhammad Ameen (applicant) and Muhammad Hussain alongwith mother went to Peshawar and on return, police intercepted them and took them to Saadi Town police chowki but on next day police released the driver and booked them in this case.
- (f) Statement of applicant recorded during investigation is verifiable through contents of FIR which indicates that two persons Muhammad Hussain and Muhammad Ameen were boarded in vehicle.
- (g) As per the FIR and interim report, alleged charas was recovered from gas cylinder in shape of packets but this fact is not disclosed anywhere in police file that how such gas cylinder was cut or dismantled for recovery of charas.
- (h) From NADRA birth certificate annexed with instant bail application, it appears that applicant is a minor as his date of birth is 05.02.2005.
- (i) Jail authorities have verified that applicant is in custody as juvenile offender as he disclosed that his age is 18 years.
- (j) It collects from the records that no prescribed procedure for the arrest and diversion of juvenile offender was followed as laid down under Section 5 of Juvenile Justice System Act, 2018.
- (k) The applicant is a minor and first offender as such as per provision of Section 6 of the said Act, he may be released on bail.

3. In the existing position of affairs, I am of the view that a case of bail for the applicant has been made out. Resultantly, the applicant is admitted to bail subject to furnishing surety in the sum of Rs.100,000/- (Rupees one lac only) with PR bond in like amount to the entire satisfaction of trial Court.

4. It is further observed that parents of the applicant shall furnish a bond that they will take care of the applicant being juvenile and make sure that he may not associate or mix up with the persons of suspected character or those who have tendency towards crime.

5. Before parting, I would like to make it clear that if the applicant after getting bail fails to appear before the trial Court and the trial Court is satisfied that the applicant has misused the concession of bail in any manner and/or he will become absconder or fugitive to trial, then the trial Court is fully authorized to take every action against the applicant and his surety including cancellation of the bail without making a reference to this Court.

J U D G E