

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Misc. Application No.S- 440 of 2020

Date	Order with Signature of Hon'ble Judge
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For orders on office objection.

For hearing of main case.

19-10-2020.

Mr. Mukhtar Ali Shahani, advocate for applicant.

Mr. Shahzado Saleem Nahiyoan, DPG for the State.

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Irshad Ali Shah, J; The facts in brief for disposal of instant Criminal Misc. Application are that Bus involved in FIR crime No.120 of 2019 u/s 320, 279, 427 PPC of PS Jamshoro was restored to its owner on offering surety by the applicant. The very case was disposed of by the police under A-Class therefore, consequently the applicant by making an application sought for return of his surety papers, those were directed to be returned to the applicant on furnishing fresh surety by learned 2nd Additional Sessions Judge, Kotri vide his order dated 21.08.2020, which is impugned by the applicant before this Court by way of instant Criminal Misc. Application u/s 561-A Cr.P.C.

2. It is contended by learned counsel for the applicant after disposal of the very case under A-Class the surety papers were not required to be withheld subject to furnishing fresh surety by learned trial Court by way of impugned order, same being illegal is liable to be set-aside.

3. Learned D.P.G for the State was fair enough to state that he would be having no objection if, the surety papers are returned to the applicant

on execution of the PR bond by the owner of the Bus to the satisfaction of learned trial Court.

4. I have considered the above arguments and perused the record.

5. The bond was furnished by the applicant for production of the Bus before learned trial Court regularly. Its attendance after disposal of the very case under disposal of the case under A-Class was no more required by the learned trial Court. In these circumstances, learned trial Court ought not to have conditioned the return of the surety papers to the applicant on furnishing fresh surety, therefore, the impugned order being unjustified is set-aside with direction to learned trial Court to return the surety papers to the applicant on execution of PR bond with same terms and conditions.

6. The instant Criminal Misce. Application is disposed of accordingly.

Judge

Ahmed/Pa,