

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 141 of 2020

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

Heard on : 14.9.2020

Decided on : 14.9.2020

For Applicant : Mr. Ahteshamullah Khan, Advocate

For State : Mr. Zafar Ahmed Khan, Addl.P.G Sindh.

Kausar Sultana Hussain, J.:- On dismissal of Bail Before Arrest Application No. 184 of 2020, by the trial Court, vide order dated 30.01.2020, the applicant Faizan Ahmed 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. 232 of 2014, under Section 324/34 PPC of PS: Al-Falah, Karachi.

2. Precisely stated the allegation against the applicant/accused is that on 22.10.2014 at 0030 hours, at Golden Town near Khattak Hotel in front of Iqra Dar-ul-Uloom, Karachi, he alongwith one unknown co-accused tried to stop the complainant Nazeer Ahmed and opened fire which hit him from left shoulder back side and passed away from his chest, hence his statement under Section 154 Cr.P.C was recorded by SIP Ghazanfar Hussain in ward No.2 of Jinnah Hospital, Karachi and the same was incorporated into FIR on the same day at 0610 hours.

3. I have heard the learned counsel for the applicant/accused and learned Addl.P.G.

4. After hearing the arguments of learned counsel for the applicant/accused and learned Addl.P.G 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 allegedly done by him has been described therein. Medical Report of MLO also reflects the injuries over the body of the complainant. The P.Ws have implicated the applicant/accused while recording their 161 Cr.P.C statements. Applicant/accused remained fugitive from law and absconder though does not lose his right to bail but the Court considering bail application of an absconder has to act with a much greater degree of circumspection; 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 03.2.2020 passed by this Court and dismissal of bail application dated 14.9.2020, of the applicant/accused.

J U D G E