

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Bail Application No.1945 of 2020**

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*Date* *Order with signature of Judge*

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*For hearing of Bail Application.*

**20.01.2021**

Mr. Tahir Rehman, Advocate for the Applicant.  
Ms. Rahat Ehsan, Addl. Prosecutor General, Sindh.  
Complainant Wahid Zaman, present in person.

**ORDER**

**Muhammad Saleem Jessar, J:-** Through this bail application, Applicant Sanwal Farooq seeks his release on post arrest bail in Crime No.210/2020 of P.S Chakiwara, under Section 371-A & B PPC. The applicant preferred his bail plea before the first forum, which was turned down by means of order dated 23.11.2020; hence, he has approached to this Court through this Application.

Since the facts of the prosecution case are already mentioned in the FIR, which is annexed with Court file, therefore, there is no need to reproduce the same.

Learned counsel for the applicant submits that case against applicant is false one; besides, co-accused Mst. Noreen and Mubeen have already been granted bail by the trial Court on the ground of Affidavit sworn in by the complainant before the trial Court. In support of his contention, he has already filed certified copy of said order dated 24.12.2020 along with his statement dated 07.01.2021. He next submits that complainant of this case is present and extends his no objection, therefore, case of applicant is at par with the co-accused, who have already been bailed out. He, therefore, submits that in view of Affidavit sworn in by the complainant, case against applicant requires further inquiry.

On the other hand, learned Addl. P.G, Sindh opposes the bail application on the ground that offence, with which applicant stands charged, is not compoundable. She; however, could not controvert the fact

that co-accused have already been bailed out by the trial Court on the ground of Affidavit sworn in by the complainant.

Complainant Wahid Zaman, present in person, files his Affidavit of no objection duly sworn in, in the office on 18.01.2021; whereby he has categorically stated that he has no objection for grant of bail to accused Sanwal Farooq. Affidavit is hereby taken on record.

**Heard arguments, record perused.** Since coo-accused Mst. Noreen and Mubeen have already been bailed out by the trial Court on the ground of Affidavit sworn in by the complainant before the trial Court and the case of applicant is at par with co-accused who have been bailed out, therefore, propriety of law demands that he should also be extended constant treatment. As far as, merits of the case are concerned, since learned counsel presses instant bail application on the ground of Affidavit, which has already been considered by the trial Court, therefore, case against applicant requires further inquiry within the meaning of sub-section 2 to Section 497 Cr.P.C. Accordingly, instant bail application is hereby allowed. Applicant Sanwal Farooq son of Muhammad Farooq, shall be released on bail subject to furnishing his solvent surety in the sum of Rs.100,000/- (Rupees One Lac Only) and PR Bond in the like amount to the satisfaction of learned trial Court.

It need not to iterate that the observation(s) made hereinabove is/are tentative in nature and shall not prejudice the case of either party during trial. However, the learned trial Court may proceed against the Applicant, if he will be found misusing the concession of bail.

This Criminal Bail Application is disposed of in the terms indicated above.

**JUDGE**

Zulfiqar/P.A