

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No.1880 of 2020

Date *Order with signature of Judge*

For hearing of Bail Application.

28.01.2021

Mr. Zulfiqar Ali Shaikh, Advocate for the Applicant.

Mr. Talib Ali Memon, Assistant Prosecutor General, Sindh.

ORDER

Muhammad Saleem Jessar, J:- Through this bail application, Applicant Munwar Ali seeks his release on post arrest bail in Crime No.502/2020 of P.S Sachal, under Section 23(i)(a) of Sindh Arms Act, 2013. The applicant preferred his bail plea before the first forum, which was turned down by means of order dated 30.11.2020; 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 instant case is offshoot case of main crime No.502/2020 of P.S Sachal, under Section 23(i) A Sindh Arms Act, 2013, in which applicant has been acquitted of charge by way of judgment dated 26.01.2021. He further submits that he could not collect its true copy; however, files statement at the bar in this regard, which is hereby taken on record. He next submits that punishment provided by the law for instant offence is discretionary, therefore, presumption would be to deal the case as of further inquiry. Even before his acquittal, he was bailed out by the trial Court in main case on 03.11.2020. In support of his contention, he files photostate copy of said order, which is also hereby taken on record.

Learned Assistant Prosecutor General, Sindh appearing for the State, opposes the bail application.

Heard arguments, record perused. Since the applicant has been acquitted of the charge of main case, even was bailed out in main case by the trial Court, therefore, case against him requires further inquiry within the meaning of sub-section 2 to Section 497 Cr.P.C. Accordingly, instant bail application is hereby allowed. Applicant Munawar Ali son of Noor Hussain, shall be released on bail subject to furnishing his solvent surety in the sum of Rs.30,000/- (Rupees Thirty Thousands 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