

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No.1430 of 2020

<i>Date</i>	<i>Order with signature of Judge</i>
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For hearing of Bail Application.

04.03.2021

Mr. Ghulam Abbas Baloch, Advocate a/w Applicants (on bail).
Mr. Riasat Ali, D.P.P for the State.

ORDER

Muhammad Saleem Jessar, J:- Through this application, applicants Mehboob and Mst. Noor Jahan, seek their admission on pre-arrest bail in Crime No.44/2020 of Police Station Ghorabari, under Section 365-B/506/504/147/148/149/494/493-A/496-B/34 PPC. The bail plea preferred by the applicants before first forum was declined by means of order dated 08.09.2020, hence this bail 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.

Pursuant to directions under order dated 11.02.2021, trial Court has furnished fresh progress report dated 01.03.2021 through its Sessions Judge, same is hereby perused and taken on record. Per report, entire prosecution witnesses have been examined and the statements of accused in terms of Section 342 Cr.P.C have also been recorded. Now the case before it is fixed on 08.03.2021 for final arguments.

Learned counsel submits that FIR is delayed for about 13 days; besides, applicant Mst. Noor Jahan had entered into Nikkah with co-accused Mehboob; however, later due to influence of her parents, she resiled from her earlier statement, therefore, was arrayed as an accused in this case. He next submits that entire prosecution witnesses have been examined and the trial before the trial Court has also been concluded which is now fixed for final arguments. Learned counsel further submits that at this juncture, dismissal of their bail plea may prejudice their case;

hence, their case, in view of above facts and circumstances, requires further inquiry and prays for confirmation of the bail.

Learned D.P.P for the State, in view of above factual position, does not oppose the bail application.

Heard arguments and perused record. Since applicants are husband and wife and question of their involvement in this case is to be decided by the trial Court through its Judgment. As far as instant bail application is concerned, prima facie a case for their admission to pre-arrest bail is made out. Accordingly, instant bail application is hereby allowed; interim bail granted earlier to applicants **(i) Mehboob son of Muhammad Siddiq and (ii) Mst. Noor Jahan wife of Mehboob** on 22.09.2020 is hereby confirmed on same terms and conditions.

Before parting with this order; however, it is clarified that the reasoning given in this order are tentative in nature and will have no effect whatsoever in any manner upon the merits of the case.

Applicants present before the Court are directed to continue their appearance before the trial Court without negligence till announcement of the judgment.

Let copy of this Order be communicated to trial Court through learned Sessions Judge, concerned. Learned MIT-II to ensure compliance.

JUDGE

Zulfiqar/P.A