

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Bail Application No.1659 of 2020**

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*Date* *Order with signature of Judge*

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*For hearing of Bail Application.*

**04.03.2021**

Mr. Aijaz M. Bungash, Advocate along with Applicants (on bail).  
Mr. Riasat Ali, D.P.P for the State.  
Mr. Muhammad Tariq, Advocate for the Complainant.

**ORDER**

**Muhammad Saleem Jessar, J:-** Through this application, applicants Waqas Nazar and Naqash Nazar, seek their admission on pre-arrest bail in Crime No.401/2020 of Police Station Quaidabad, Karachi, under Section 407/408/381/34 PPC. The bail plea preferred by the applicants before first forum was declined by means of order dated 15.10.2020, 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.

Learned counsel for the applicant files certified copy of case diary as well as deposition of PW-1/Complainant Rehmat Zaman (Exh.5), under the cover of his statement dated 04.03.2021. Simultaneously, learned counsel for the complainant also files same document under the cover of his statement dated 04.03.2021. Both statements are hereby taken on record.

Learned counsel for the applicants submits that case has been proceeded and the complainant before trial Court has not deposed a single word against them. Moreover, the evidence whatever collected by the I.O against them is in shape of documents which are in custody of the prosecution, therefore, their involvement in this case at this juncture, requires further inquiry. He further submits that their accusation is yet to be determined by the trial Court after assessment of the evidence; hence, prays for their admission on pre-arrest bail.

Learned D.P.P for the State, does not oppose the bail application.

Learned counsel for the complainant opposes the bail application on the ground that cheques in question recovered from co-accused are of present accused, therefore, they have been connected with the crime; hence, they do not deserve any leniency in shape of their pre-arrest bail. He; however, could not point out a single word to have been deposed by the complainant against them in his examination-in-chief.

**Heard arguments and perused record.** Admittedly, the date and time of incident is not known to the complainant and no specific role is assigned against them. The evidence whatever against the applicants is in shape of documents which rests with prosecution itself, therefore, question of their involvement in this case requires further probe. In view of above, I am of the opinion that a prima facie case of further inquiry is made out within the meaning of subsection 2 to section 497 Cr.P.C. Consequently, instant bail application is hereby allowed; interim bail granted earlier to applicants **(i) Waqas Nazar son of Nazar Muhammad and (ii) Naqash Nazar son of Nazar Muhammad** on 29.10.2020 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 and in case they may misuse the concession or may temper with the prosecution's evidence then the trial Court is competent to take legal action against them as well to their surety in terms of Section 514 Cr.PC. Trial Court is also hereby directed to make necessary arrangements for securing attendance of the prosecution witnesses and conclude the trial within shortest possible time under intimation to this Court through MIT-II.

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

***JUDGE***