

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Bail Application No.84 of 2021**

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*Date* *Order with signature of Judge*

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*For hearing of Bail Application.*

**01.02.2021**

Mr. Dur Muhammad, Advocate along with Applicant (on bail).  
Ms. Seema Zaidi, Deputy Prosecutor General, Sindh.

**ORDER**

**Muhammad Saleem Jessar, J:-** Through this application, applicant Muhammad Yaqoob Khan seeks his admission on pre-arrest bail in Crime No.324/2020 of Police Station Chakiwara, Karachi, under Section 506-B/34 PPC. The bail plea preferred by him before first forum was declined by means of order dated 09.01.2021, hence this bail application.

Pursuant to directions contained under earlier order, the applicant surrendered before the Court of XXIVth Civil Judge/Judicial Magistrate, Karachi (South) where Criminal Case No.275/2021 (re-the State Versus Shahzad and others) is pending for trial. The document produced, is hereby taken on record.

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 submits that case against applicant is false and the FIR is delayed for about one month; hence, false implication of the applicant cannot be ruled out. He next submits that the offence with which applicant stands charged, if proved by the prosecution, carries maximum punishment of seven (7) years. He, therefore, submits that by granting instant application, bail granted to applicant earlier, may be confirmed.

Learned Deputy Prosecutor General, Sindh appearing for the State has no objection.

**Heard arguments and perused record.** Admittedly, the incident, as shown, is said to have taken place on 14.11.2020; whereas, the FIR thereof was lodged on 05.12.2020 i.e. with delay of about 22 days for which no plausible explanation has been furnished by the prosecution for such an inordinate delay. The section applied in the FIR is yet to be established by the prosecution after recording evidence of the parties, therefore, accusation against applicant is yet to be determined by the trial Court. As far as, instant application is concerned, the applicant has surrendered before the trial Court and has joined trial proceedings; besides, no complaint regarding misuse of concession extended to him, has been made. Consequently, instant Criminal Bail Application is hereby allowed; interim bail granted earlier to applicant **Muhammad Yaqoob Khan son of Khan Nadir Khan** on 18.01.2021 is hereby confirmed on same terms and conditions.

Applicant present before the Court is directed to continue his appearance before the trial Court without negligence and in case he may misuse the concession or may temper with the prosecution's evidence then the trial Court is competent to take legal action against him as well to his 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, over fax, for compliance.

**JUDGE**

Zulfiqar/P.A