

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No.2036 of 2020

Date *Order with signature of Judge*

For hearing of Bail Application.

01.02.2021

Mr. Zulfiqar Ali Shaikh, Advocate for the Applicant.
Ms. Seema Zaidi, Deputy Prosecutor General, Sindh.

ORDER

Muhammad Saleem Jessar, J:- Through this bail application, Applicant Adeel Bhagat seeks his release on post arrest bail in Crime No.1185/2020 of P.S Shah Latif, under Section 457/380/511/452 PPC. The applicant preferred his bail plea before the trial Court, which by means of order dated 10.11.2020 was declined and again he filed bail application before the Court of Sessions which also met with same fate vide order dated 26.11.2020; 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 submits that case against applicant is false, fabricated and its entire story is concocted as nothing has been shown to have been recovered from possession of the applicant, mere attempt has been alleged against him. He further submits that case has been challaned where charge against him has also been framed; however, complainant party has not been appearing before the trial Court to record their evidence. He next submits that the offence with which applicant stands charged, does not exceed limits of prohibitory clause of section 497 Cr.P.C; hence, prays for grant of bail.

Learned Deputy Prosecutor General, Sindh appearing for the State, though opposes the bail application; however, concedes that mere attempt is alleged against him.

Heard arguments, record perused. Admittedly, nothing has been stolen away and mere attempt has been alleged, which is yet to be proved by the prosecution after recording evidence of the parties. The case is being tried by Judicial Magistrate where after recording evidence of the parties, if prosecution may succeed to prove its charge against him, even then punishment of more than three years cannot be visualized.

In the circumstances and in view of dicta laid down by the Hon'ble Supreme Court of Pakistan in case of *MUHAMMAD TANVEER Versus The STATE and another (PLD 2017 SC 733)*, case against applicants requires further inquiry within meaning of subsection 2 to Section 497 Cr.P.C. Consequently, instant bail application is hereby allowed. Applicant **Adeel Bhagat son of Ali Gohar**, 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