

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No.1732 of 2020

Date *Order with signature of Judge*

For hearing of Bail Application.

17.02.2021

Mr. Umar Akram, Advocate along with Applicant (on bail).
Mr. Muntazir Mehdi, Addl. Prosecutor General, Sindh.
Mr. Ch. Waseem Akhtar, Assistant Attorney General for Pakistan.
Complainant Mubashira Zaidi, present in person.

ORDER

Muhammad Saleem Jessar, J:- Through this application, applicant Syed Irfan Ali seeks his admission on pre-arrest bail in Crime No.454/2020 of Police Station Taimoria, Karachi, under Section 506-B/427/34 PPC. The bail plea preferred by him before first forum was declined by means of order dated 06.11.2020, 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 the punishment provided by law for the sections applied in the FIR are carrying maximum punishment upto 7 years, therefore, does not exceed the limits of prohibitory clause of section 497 Cr.P.C. He further points out that FIR is also delayed for about 7 months; hence, submits that case against the applicant requires further inquiry and prays for confirmation of bail.

On the other hand, learned Addl. P.G, Sindh as well as Assistant Attorney General for Pakistan do not controvert the legal position and extend their no objection; however, complainant present in person opposes the bail application on the ground that accused is nominated in the FIR; besides, accusation against him has been established by the I.O after recording statements of relevant people.

Heard arguments and perused record. Admittedly, the incident is said to have taken place on 18.03.2020; whereas, the report thereof, was lodged on 22.10.2020 though the distance between P.S and place of occurrence is only 1.5 km; however, no plausible explanation has been furnished for such an inordinate delay. The punishment provided by law for the section D-25 of Telegraph Act is 3 years and section 506-B PPC if may be proved by the prosecution, is 7 years; however, section 427 PPC is bailable.

In the circumstances, I am of the considered opinion that case against applicant requires further inquiry within the meaning of subsection 2 to section 497 Cr.P.C. Consequently, instant bail application is hereby allowed; interim bail granted earlier to applicant **Syed Irfan Ali son of Syed Barkat Ali** on 10.11.2020 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