

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No.1119 of 2020

<i>Date</i>	<i>Order with signature of Judge</i>
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1. *For hearing of Bail Application.*
2. *For orders on M.A No.8683/2020.*

18.02.2021

Mr. Afzal Ali, Advocate along with Applicant (on bail).
Mr. Talib Ali Memon, Assistant Prosecutor General, Sindh.

ORDER

Muhammad Saleem Jessar, J:- Through this application, applicant Saeed Ahmed seeks his admission on pre-arrest bail in Crime No.156/2020 of Police Station Malir City, Karachi, under Section 489-F/506 PPC. The bail plea preferred by him before first forum was declined by means of order dated 24.07.2020, 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 all material witnesses have been examined before the trial Court; however, I.O of the case is yet to be examined; besides, the amount involved in this case is not huge one and the offence if proved by the prosecution carries maximum punishment upto 3 years. He, therefore, submits that dismissal of bail application at this juncture will prejudice the case of applicant; hence, it will be appropriate to grant instant bail application; however, the applicant undertakes to continue his presence before the trial Court without negligence till final decision of the main case.

Learned Assistant P.G, Sindh opposes the bail application on the ground that accused himself is responsible for lingering on proceedings before the trial Court, therefore, he has misused the concession and is not entitled for the concession in shape of anticipatory bail. He; however, could

not controvert the fact that offence with which applicant stands charged, carries maximum punishment upto 3 years only.

The complainant, despite of notice, has chosen to remain absent.

Heard arguments and perused record. Since the prosecution has examined all material witnesses and only I.O remains to be examined; besides the offence with which applicant stands charged is triable by the Court of Magistrate where after recording evidence of the parties if prosecution may prove its charge against him even then the punishment of more than 3 years cannot be visualized.

In the circumstances and in view of dicta laid down by the Honourable Supreme Court of Pakistan in case of *MUHAMMAD TANVEER Versus The STATE and another (PLD 2017 SC 733)*, case against applicant requires further inquiry within the meaning of sub-section 2 to section 497 Cr.P.C. Consequently, instant bail application is hereby allowed; interim bail granted earlier to applicant **Saeed Ahmed son of Abdul Raheem** on 27.07.2020 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.

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.P.C. 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