

# IN THE HIGH COURT OF SINDH AT KARACHI

*Before:*

**Mr. Justice Amjad Ali Sahito**

## Criminal Bail Application No.1012 of 2021

Applicant : Muhammad Shazil S/o Abdul Hameed  
Through Mr. Muhammad Imran Meo,  
Advocate

Complainant : Muhammd Saleem S/o Abdul Haq  
Through Mr. Ghulam Mujtaba Phull,  
Advocate

Respondent : The State  
Through Mr. Muhammad Ahmed,  
Assistant Attorney General alongwith  
Inspector Imran Ahmed Khan, FIA

Date of hearing : 15.07.2021

Date of order : 15.07.2021

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, the applicant/accused seeks post-arrest bail in Crime No.25/2019 registered under Sections 20, 21(1), (d), 24 of PECA, 2016 at FIA CCRC, Karachi, after his bail plea has been declined by learned Sessions Judge, Karachi Central vide order 09.03.2021.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant submits that the applicant/accused is innocent and has falsely been implicated in this case; that the offence in which applicant/accused has been booked does not fall within the prohibitory clause of Section 497(1) Cr.P.C. as such he is entitled for concession of bail. He has relied upon the case of Muhammad Daniyal Farrukh Ansari v. The State (2021 SCMR 557).

4. On the other hand, learned counsel for the complainant as well as learned Assistant Attorney General have opposed for grant of bail on the ground that total witnesses are 13, out of which 09 witnesses have been examined and the case is being proceeded on weekly basis and it is expected that the same will be concluded within two months.

5. I have heard the learned counsel for the parties and have gone through the material available on record. The allegation against the applicant/accused is that he made a fake Facebook ID in the name of Sana Randi and by using it, he used to upload vulgar and nude pictures and defamed the reputation of the complainant party. After framing the charge, out of 13 witnesses, 09 have been examined and the case is being proceeded on weekly basis. In these circumstances, any observation regarding merit or otherwise at this stage would prejudice the case of either party. In this context, reliance is placed in the case of **Muhammad Nawaz v. the State 2002 SCMR 1381**, wherein the Hon'ble Supreme Court of Pakistan has held that:

***“Since, the trial is likely to be concluded in the near future as such, we are deliberately not attending to the merits of the case lest it may prejudice the case of either party. In this view of the matter, we are not inclined to grant concession of post-arrest bail to the petitioner at this stage”.***

6. In view of the above and taking guideline from the cited case, learned counsel for the applicant/accused has failed to make out the case of applicant/accused for further inquiry as envisaged under subsection (2) of section 497, Cr.P.C. Consequently, the instant bail application is **dismissed**. However, learned trial Court is directed to conclude the case of the applicant/accused preferably within 45 days after receipt of this order.

7. The case-law relied by learned counsel for the applicant is distinguishable from the facts and circumstances of the case.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Kamran/PA