

**IN THE HIGH COURT OF SINDH, AT KARACHI**

**Cr. Bail Application No.953 of 2022**

Muhammad Yousuf Khan

Applicant

Versus

The State

Respondent

For hearing of bail application

1. For orders on MA No.6070/2022 (urgent)
2. For orders on office objection and reply, flagged A
3. For orders on MA No.6071/2022 (exemption)
4. For hearing of bail application

**16.05.2022**

Mr. Imtiaz Hussain Talpur, Advocate for the Applicant.

**ORDER**

1. Granted.
3. Granted subject to all just exceptions.
- 2&4. Applicant indicted in Crime No.357/2012 registered at PS Mominabad, Karachi, under Sections 302, 324 and 34 PPC seeks pre-arrest bail. Earlier his pre-arrest bail plea was turned down by the trial Court vide order dated 27.4.2022, impugned herein.

Learned counsel for the applicant contended that the Applicant is quite innocent and has been falsely implicated in the aforesaid crime. He submitted that the complainant in the FIR has narrated that due to personal grudge/enmity the incident has taken place, which creates doubt entitling the Applicant to the grant of concession of bail.

I have heard the learned counsel and perused the material available on record. During arguments the learned counsel frankly conceded that the Applicant is nominated in the FIR with specific role and also remained absconder for a

decade. Perusal of the record shows that earlier in 2013 the Applicant approached the trial Court for pre-arrest bail, however, vide order dated 30.01.2013 the said application was dismissed for non-prosecution as he failed to join the investigation and/or record his statement. Thereafter the Applicant filed second Application seeking bail before arrest, however, the same too was dismissed for non-prosecution vide order dated 15.01.2014. The record further shows that in the year 2022, the Applicant appeared before this Court and vide order dated 08.03.2022 was granted protective bail. Hence, he appeared before the trial Court and was granted ad-interim pre-arrest bail. Nonetheless, vide order dated 27.4.2022, the learned 1<sup>st</sup> Additional Sessions Judge, Karachi (West)/Model Criminal Trial Court, dismissed the said plea again for non-prosecution.

Keeping in view the fact that the Applicant is nominated in the FIR with specific role, remained fugitive for a decade and his conduct in not pursuing the earlier bail before arrest applications diligently, this Application seeking pre-arrest bail merits no consideration and is accordingly dismissed.

Chief Justice