

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**CrI. Bail Application No. 1995 of 2020.**

Date	Order with signature of Judge
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For hearing of bail application.

**26<sup>th</sup> May 2021.**

Mr. Imtiaz Hussain Shaikh, advocate alongwith applicant  
applicant/accused

Mr. Faheem Hussain Panhwar, DPG.

It is alleged that applicant was in occupation of a quarter being an employee of PTCL in the PTCL Colony whereas counsel for the applicant contends that applicant is not residing in PTCL Colony, in fact he is residing in Murtaza Town. Occupation of applicant with regard to quarter as claimed and damage to the property requires further probe. Besides, ulterior motive and malafide in law or facts latently and patently cannot be ruled out. Accordingly, interim pre-arrest bail already granted to the applicant/accused is hereby confirmed on the same terms and conditions.

The instant bail application is disposed of in the above terms.

JUDGE

SAJID

1903

At the outset, learned counsel for the applicant/accused contends that all sections are bailable except section falls with regard to alleged injury, such medical certificate is suspended till appearance of injured. Complainant present contends that he will appear before the Medial Board. Since Further FIR reflects that there is dispute between the parties on private issue, therefore under these circumstances ulterior motive and malafide in law or facts latently and patently cannot be ruled out. Accordingly, interim pre-arrest bail already granted to the applicant/accused is hereby confirmed on the same terms and conditions.

The instant bail application is disposed of in the above terms.

During trial learned trial judge while exercising power under Section 190 (2) Cr.P.C. on the plea that SIP Kashif Baig has destroyed the investigation by not collecting the evidence the unveil the real culprit and issued NBW against Mst. Somaira Malik, who was not accused. It is a matter of fact that Somaira Malik was not arraigned and at the trial application under Section 193 Cr.PC was also not preferred, hence, impugned order is against the settled principles of law. Besides, trial court was not competent to issue pre-trial verdict during trial against any witness or I.O. hence, Impugned Order is set aside, trial shall proceed with the matter against the accused, who was sent up by the prosecution. Trial court shall conclude the trial preferably within three months.

Judge