

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CrI. Bail Application No. 1907 of 2020.

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

17th June 2021.

Mr. Haad A.M Paggawala, advocate alongwith applicant
applicant/accused

Mr. Faheem Hussain Panhwar, DPG.

Mr. Khashif Hasnain, advocate for complainant.

Candidly dispute is between complainant and accused with regard to sale and purchase of a car, according to complainant that applicant has committed the offence under Section 381-A PPC; bail application of applicant was denied by the trial court on the plea that he failed to join investigation, that plea is disputed by the applicant. The facts of the case also shows malice, which cannot be ruled out latently or patently 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

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