

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Bail Application No. 2211 of 2022

Date	Order with signature of Judge
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Date of hearing : 13th December 2022.
Date of order : 13th December 2022.

Mr. Nehal Khan Lashari, advocate for the applicant
Mr. Muntazir Mehdi. Additional Prosecutor General.

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Salahuddin Panhwar, J:- It is alleged that on 10.10.2022 at 2330 hours, Excise police party headed by Inspector Ali Muhammad, on spy information, apprehended the applicant, sitting in a car and allegedly recovered two packets of charas, each packet became of 1000 grams from the said car. After having dismissed post arrest bail by learned trial court, the applicant has approached this Court for the same relief.

Heard and perused the record.

3. Record reflects that during investigation, it appears that the applicant was present along with co-accused Faisal Irani in the car, from where allegedly charas weighing 2000 grams was recovered. No criminal record of the applicant is found available in the police record, however, during investigation, the police found co-accused Faisal Irani involved in such like cases. It is contended by learned counsel for the applicant that the applicant was not aware about presence of narcotics in the car and was waiting for co-accused Faisal Irani, who got down from the car on the pretext of purchasing cigarettes. Whether the applicant was having conscious knowledge with regard to the narcotics, which was lying near front seat of the car, is the question, which is to be determined by the trial Court after recording the evidence. No doubt huge quantity of narcotics substance has been recovered from the car in which he was sitting and the offence is also heinous in nature but mere heinousness of crime will not disentitle an accused to the concession of bail. It has further come on record that applicant is student of **Indus Valley School of Art & Architecture** and is doing his graduation from Architect Department as well as he is youthful offender aged about 24 years, therefore, further detention of the applicant in the jail would ruin his future. It is important to mention here that bail is not to be withheld as a punishment. There is no legal or moral compulsion to keep people in jail merely on the allegation that he has committed offence entailing capital punishment, unless reasonable

grounds appear to exist to disclose his involvement. The ultimate conviction and incarceration of a guilty person can repair the wrong caused by a mistaken relief of bail granted to him, but no satisfactory reparation can be offered to an innocent person for his unjustified incarceration at any stage of the case albeit his acquittal in the long run.

4. For the foregoing reasons, the applicant is admitted to post arrest bail subject to his furnishing solvent surety in sum of Rs.50,000/- [Rupees Fifty Thousand Only] and P.R bond in the like amount to the satisfaction of the learned trial Court.

5. These are the reasons for the short order. Needless to mention that the observations made above are purely tentative in nature which shall not prejudice the mind of trial Court while deciding the case on merits.

Sajid

J U D G E