

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D-5772 / 2022

Date	Order with signature of Judge
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For orders as to maintainability of Petition.

20.10.2022.

M/s. Shahab Sarki & Zulfiqar Ali Langah, Advocates for Petitioner.
Mr. Syed Yasir Shah, Assistant Attorney General.
Mr. Khalid Rajpar, Advocate for Respondent No. 2.
Mr. Sardar Muhammad Azad Khan, Advocate for Respondents
No. 3 to 7.

Though through this Petition, the Petitioner had sought various relief(s); however, on 29.09.2022 the while issuing pre-admission notice, the Petitioner was granted pre-arrest bail in the sum of Rs. 200,000/-. Thereafter, on 10.10.2022 an objection was raised by the Respondents Counsel as to maintainability of the petition on the ground that the petitioner is not nominated in FIR in which he has sought pre-arrest bail and we had passed the following order: -

“Mr. Khalid Rajpar and Sardar Muhammad Azad Khan, Advocates have filed Vakalatnama on behalf of the respondents No.2 and 3 to 7. respectively, which are taken on record, whereas, they have raised an objection as to maintainability of this petition to the effect that though the petitioner has obtained bail in FIR lodged by Superintendent Preventive Service in Case No.ASO-106/2022-Veh (HQ); however, according to them. the petitioner has not been nominated in the said FIR. While confronted, Counsel submits that Mr. Shahab Sarki is busy before another bench and a short adjournment be granted to satisfy this objection.

In view of such position, the petitioner's counsel is directed to satisfy as to the maintainability of this petition and as to how bail could have been granted to the petitioner, in view of the cases reported as *Muhammad Shahid v SHO (2011 YLR 366)* and *Mujeebullah v The State (2014 YLR 2305)*, wherein it has been held that no bail can be granted until and unless the person is nominated in FIR.

To come up on 17.10.2022.”

Today, while confronted, Petitioner's Counsel submits that since the Petitioner was being harassed and Respondents were acting malafidely, therefore, bail was sought from the Court. However, it is an admitted position that insofar as the FIR No. ASO-106/2022-Veh (HQ)

dated 22.09.2022 is concerned, the Petitioner is not nominated and such statement has been made before the Court on 10.10.2022. In that case we are of the view that to the extent of grant of bail this Petition cannot proceed any further in view of the judgments reported as ***Muhammad Shahid v SHO (2011 YLR 366) and Mujeebullah v The State (2014 YLR 2305)***. As to the remaining relief(s), it may be observed that since interim pre-arrest bail has been granted, the other relief(s) cannot be sought and pressed anymore in this petition.

In view of such position, we are left with no choice but to dismiss this Petition to the extent of bail as infructuous. The surety furnished stands discharged. Office to act accordingly. As to the remaining relief(s) / prayer(s), the Petitioner may seek further appropriate remedy as may be available in accordance with law.

J U D G E

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Arshad/