

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 687 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of bail application.

13-05-2022

Mr. A.J.K. Marwat, Advocate for applicant.

Ms. Rahat Ahsan, DPG a/w SIP Ghulam Qadir Jalbani, I.O. of the case.

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Omar Sial, J: Taif has sought post arrest bail in crime number 226 of 2017 registered under sections 6 and 9(c) of the CNS Act, 1997 at the Ittehad Town police station in Karachi. Earlier, his application seeking bail was dismissed on 16.3.2022 by the learned Special CNS Court No.1, Karachi.

2. A background to the case is that the aforementioned F.I.R. was registered on 22-6-2017 by ASI Manzoor Hussain Tanoli. Complainant recorded that a police party led by him was on normal patrol duty when it received spy information that applicant alongwith two persons named Sikandar and Naveed Afridi were in possession of charas. Upon this information, police reached the identified place and arrested 3 individuals and a .9 mm pistol together with 1040 grams of charas was recovered from the possession of the applicant.

3. I have heard the learned counsel for the applicant as well as the learned Deputy Prosecutor General. With their able assistance have gone through the available record. My observations and findings are as follows.

4. It appears that the applicant was arrested on 22-6-2017, however subsequently he was granted post arrest bail by the learned trial court on 20.6.2019 while he was on bail he was arrested in another case in Hub, Baluchistan and therefore was unable to appear before the learned trial court. As a consequence, bail was dismissed for his non-appearance. When he again appeared to seek bail after he was acquitted in the case registered against him in Baluchistan, he himself surrendered before the learned CNS Court No.1, Karachi however learned Judge was of the view that the applicant had taken substantial time to surrender before it after his acquittal from the Baluchistan court and therefore dismissed the bail.

5. Learned DPG has argued that the applicant does not deserve the concession of bail as he remained absent before the learned trial court.

6. It is correct that after being released from the jail in Baluchistan the applicant took substantial time to surrender before the learned trial court at Karachi. Be that as it may, the applicant has been in jail for 7 months after his alleged absconsion. It appears that he was granted bail on merits initially and has already been penalized for 7 months incarceration for the fact that he remained absent for a long time. It also appears that the co-accused Naveed Afridi who was arrested alongwith present applicant has also been granted bail for being in possession of 1100 grams of charas. On consistency, the applicant is entitled to the concession of bail. Accordingly, he is admitted to post arrest bail subject to his furnishing a solvent surety in the sum of Rs.50,000 and a P.R. bond in the like amount to the satisfaction of the learned trial court.

JUDGE