

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

Crl. Bail Application No. 446 of 2022

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGES</b>
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For hearing of bail application:

**18<sup>th</sup> April, 2022**

Pir Riaz Ahmed, Advocate for applicant.  
Mr. Talib Ali Memon, A.P.G.

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**Omar Sial, J.:** Muhammad Akram has sought pre-arrest bail in crime number 839 of 2020 registered under sections 380 and 34 P.P.C. at the Korangi Industrial police station in Karachi. Earlier, his application seeking bail was dismissed on 23.02.2022 by the learned 12<sup>th</sup> Additional Sessions Judge, Karachi East.

2. The applicant was nominated as an accused in the aforementioned F.I.R. registered on 09.08.2020 on the complaint of Muhammad Khalid. Khalid recorded that on 03.06.2020 the applicant had stolen his vehicle and some other valuables from his home. The applicant was granted interim pre-arrest bail by the learned trial court on 19.08.2020 and the same was confirmed on 27.08.2020. After the grant of bail, the accused did not appear before the learned trial court and hence his bail was cancelled. The applicant filed a second bail application before the learned trial court on 06.12.2021 and once again the learned trial court granted him interim pre-arrest bail. Once again the applicant did not appear before the learned trial court and his bail application was accordingly dismissed on 09.12.2021. The applicant once again filed a third pre-arrest bail application and the learned trial court once again granted him interim pre-arrest bail on 10.02.2022 but the applicant yet again failed to appear subsequently and the bail was dismissed vide the order dated 23.02.2022 that has been impugned herein.

3. The learned counsel has been unable to give any cogent reason for the applicant successively abusing the concession of bail. The applicant, when asked, pinned the blame for his non-appearance on his counsel. While this response was unsatisfactory in itself, the applicant was completely unable to offer any reason why he continued to remain absent on two successive occasions as after the first lapse he surely knew that he was to attend the hearings held at the learned trial

court. His conduct leaves little doubt that he has misused intentionally the concession of bail. The applicant has not complied with the dicta laid down by the Honorable Supreme Court in the case of **Azam Saleem and another vs The State and others reported at PLD 2021 SC 894** which ordered that if a pre-arrest bail was dismissed for non-appearance of the accused, the second pre-arrest bail petition was maintainable only if the accused furnished satisfactory explanation for his absence in the first petition. Only if the explanation was found satisfactory could the court proceed further and decide the second petition on merits. Sufficient leniency has been shown to the applicant by the learned trial court and as I do not find his reasons for successive absences to be satisfactory, the bail application is dismissed.

JUDGE