

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 447 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

21-03-2023

Mr. Ali Asghar, Advocate a/w applicant.

Mr. Muntazir Mehdi, Addl.P.G.

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Omar Sial, J: Imran has sought post arrest bail in crime number 238 of 2022 registered under sections 320, 337-G and 427 P.P.C. at the Shareefabad police station. Earlier, his application seeking bail was dismissed by the learned 7th Additional Sessions Judge, Karachi Central on 19.11.2022.

2. All 3 offences with which the applicant was charged are bailable offences. It appears that the learned trial judge was not assisted adequately in this regard and it was not brought to his notice that in bailable cases the grant of bail is not a favor but a right. Reference may be made to the case of **Tariq Bashir and 5 others vs The State (PLD 1995 SC 34)**. I also notice from the order impugned that perhaps at a later stage an offence under section 322 P.P.C. was also added to the list of offences that the applicant has allegedly committed. The punishment prescribed under law is solely the payment of diyat. I further notice that this section was inserted as the license of the applicant had expired when he was driving the vehicle when the accident occurred. No confirmation of the expired license nor the license itself has been shown to me by the prosecution. Even otherwise, upon a tentative assessment, whether a person can be held guilty under section 322 P.P.C. for qatal-bis-sabab is also certainly an aspect of the case that requires further inquiry.

3. Above are the reasons for the short order dated 15-3-2023.

JUDGE