

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

Crl. Bail Application No. 2437 of 2022

---

**DATE**

**ORDER WITH SIGNATURE OF JUDGES**

---

For hearing of bail application.

**16-02-2023**

Ms. Saima Shah, Advocate for applicant.

Ms. Robina Qadir, Addl.P.G.

=====

**Omar Sial, J:** F.I.R. No. 800 of 2021 was registered under sections 6 and 9(c) of the Control of Narcotic Substances Act, 1997 at the SITE-A, Kemari police station on 25.11.2021. The F.I.R. records that 4 persons were selling charas and when the police reached the spot 2 of them managed to escape by throwing the charas they had whereas 2 others were apprehended. The applicant Pervaiz was one of the persons who had run away from the scene and was arrested later.

2. It seems that the applicant was admitted to bail by the learned 1<sup>st</sup> Additional Sessions Judge, Karachi West though counsel has not been very forthcoming to put on record the bail granting order. Be that as it may the order dated 02.12.2022 which has been impugned reflects that while being on bail, the applicant remained absent on 10.11.2022, 19.11.2022 and 23.11.2022 thus the learned trial judge dismissed his bail application.

3. I have heard the counsel for the applicant and the learned Addl.P.G.

4. The learned counsel for the applicant has only argued that the absence of the applicant at the hearings before the learned trial court was unintentional. She submitted that an application seeking condonation was moved by the applicant on one occasion whereas on the others his mother was ill. The learned trial judge in the impugned order has stated that an attempt to file a condonation of absence was made by the applicant on one occasion however the application being submitted was through an unauthorized lawyer. Similarly, no evidence has been produced either in

the learned trial court or this court during the hearing of the bail application that would remotely establish that the excuse of the mother being ill was correct. I am inclined to agree with the learned trial judge that the applicant intentionally was attempting to delay the trial and hence this aspect in itself was enough to disentitle him from the concession of bail. It would not be safe to once again give him the opportunity to abuse the judicial system.

5. For the above reasons, the bail application is dismissed.

JUDGE