

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-620 of 2023

(*Fida Hussain Buledi Vs. The State*)

1. For orders on office objection.
2. For hearing of Bail Application.

20-11-2023.

M/s Nisar Ahmed Bhanbhro and Sheeraz Fazal, advocates for the applicant.
Mr. Karim Bux Janwari, Assistant Attorney General, Pakistan.
Mr. Munir Ahmed Siyal, Assistant Direct Legal FIA Sukkur.

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Irshad Ali Shah, J. It is alleged that the applicant with rest of the culprits withdrawn certain amount by practicing fraud under Benazir Income Support and Ehsas Program, for that he was booked and reported upon by the FIA police. On refusal of bail by learned Incharge Vth Additional Sessions Judge, Sukkur, the applicant has sought for the same from this Court by way of instant Crl. Bail Application u/s 497 Cr.P.C.

2. Heard arguments and perused the record.
3. There is no independent witness to the incident. The offence alleged against the applicant is not falling within the prohibitory clause. The applicant is said to be in custody since seven months. There is no likelihood of his absconsion or tempering with the evidence. Moreso, co-accused Ghulam Idrees has already been admitted to post arrest bail. The main reason which prevailed with learned trial Court for denying the concession of bail to the applicant was that he has remained in absconsion for noticeable period, which as per the applicant was not willful.
4. In case of *Mitho Pitafi vs. The State* (2009 SCMR 299), it has been held by Honourable Apex Court that;

*“---S. 497---Penal Code (XLV of 1860), Ss.302/324---
Constitution of Pakistan (1973), Art.185(3)---It is
well-settled principle of law that bail can be granted if
an accused has good case for bail on merit and mere
absconsion would not come in way while granting the
bail.”*

5. In view of above, it could be concluded safely that a case for release of the applicant on bail on point of further in consistency obviously is made out. Consequently, he is admitted to bail subject to his furnishing solvent surety in sum of Rs.50,000/- (Fifty thousand) and P.R bond in the like amount to the satisfaction of learned trial Court.
6. The instant bail application is disposed of accordingly.

JUDGE