

**IN THE HIGH COURT OF SINDH AT KARACHI****Crl. Bail Application No. 1639 of 2023**

Applicants : Niaz Ali Khan and Sanaullah Khan  
through Mr. Raham Ali Rind, Advocate

Respondent : The State  
through Mr. Muhammad Iqbal Awan, Addl.P.G.

Complainant : Muhammad Bilal  
through Mr. Umer Farooq, Advocate

Date of hearing : 16<sup>th</sup> November, 2023

**ORDER**

**Omar Sial, J:** Niaz Ali Khan and Sanaullah Khan have sought pre-arrest bail in crime number 229 of 2023 registered under sections 147, 148, 149, 324, 342, 506-B, 337-A(i) P.P.C. at the Sharafi Goth police station.

2. The case facts are not reproduced as the bail dismissal is not on merits but due to the applicants' conduct.

**Niaz Ali**

3. Niaz Ali's bail application was dismissed by the learned 6<sup>th</sup> Additional Sessions Judge, Malir, on 11.03.2023. He did not surrender but approached the High Court on 29.03.2023. Interim pre-arrest was given to him on 03.04.2023 against a surety of Rs. 100,000. The case was next listed on 03.05.2023 when the court noted that the surety had not been deposited. The applicant sought two days to do what was needed. He was allowed to do so. The case next came up on 08.05.2023. On that date, the surety had not been deposited, and neither the applicant nor his counsel appeared. The bail application was dismissed. On 26.07.2023, once again, the applicant sought interim pre-arrest bail from this Court. The Court was not satisfied with the applicant's explanation for his past conduct; however, it admitted him to interim pre-arrest bail. This time the surety was deposited on 27.07.2023. Since that date, the applicant's counsel did not appear, and instead, the applicants sought adjournments on 11.08.2023, 23.08.2023, 11.09.2023, 28.09.2023, 1.11.2023 and 15.11.2023.

Sanaullah Khan

4. Sanaullah Khan's bail application was dismissed by the learned 6<sup>th</sup> Additional Sessions Judge, Malir, on 11.03.2023. He sought pre-arrest bail from this Court on 03.04.2023. He was granted interim pre-arrest bail the same day. The applicant did not deposit the surety till 03.05.2023 when his application was dismissed when neither he nor his counsel appeared nor had the surety been deposited. On 26.07.2023, once again, the applicant sought interim pre-arrest bail from this Court. The Court was not satisfied with the applicant's explanation for his past conduct; however, it admitted him to interim pre-arrest bail. This time, the surety was deposited on 27.07.2023. Since that date, the applicant's counsel did not appear, and instead, the applicants sought adjournments on 23.08.2023, 11.09.2023, 28.09.2023, 1.11.2023 and 15.11.2023.

5. The counsel for the applicants has been unable to explain the applicants' conduct satisfactorily. He explains that on account of poverty, the applicants could not deposit the surety; however, he admitted that in the interim, no application seeking reduction of surety was filed, nor was the court informed in any manner of the situation. Courts, in similar cases, have always shown great magnanimity in reducing surety amounts when it is shown to them that due to financial distress, the surety cannot be furnished. The minimum expected from the applicants and their counsels is to approach the court with an application. The applicants would never have given a surety had the police not been chasing them to arrest them. Learned counsel also has no plausible explanation for the absences after that. The applicants are abusing the legal process, which cannot be allowed. Their conduct deprives them of the extraordinary concession of pre-arrest bail. The applicants should first surrender and then seek post-arrest bail on merits.

6. Bail applications stand dismissed.

**JUDGE**