

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No. 1450 of 2023

Date

Order with signature of Judge

Applicant :

Ahmed Saeed Rizvi
through Mr. Muhammad Ashraf Sammo
advocate for applicant

The State:

through Mr. Talib Ali Memon, APG along
with Inspector Sohail Iqbal, PS Gulberg.

Date of hearing:

17th July 2023.

Date of order :

17th July 2023

ORDER

It is alleged that applicant has claimed himself as Imam Mehdi, for which the instant case was registered against him. The applicant after having refused bail from the trial Court has approached this Court for the same relief through instant bail application.

2. Heard and perused the record.

3. Applicant has been arraigned in the present case on the ground that he claimed himself as Imam Mehdi on the basis of a video clip. However, no transcript of alleged video is available on police record. Learned DPG contended that alleged video clip has been sent to forensic expert but still no forensic report is received by the prosecution. Even I.O present in Court contended that he has not seen the alleged video himself. Except Section 295-A PPC remaining penal sections areailable. However, in the present case, while registering the instant case, compliance of Section 196 Cr.PC has not been made. Section 196 Cr.PC stipulates that no Court shall take cognizance of any offence punishable under Section 295-A PPC, unless upon complaint made by order of, or under authority from the Federal Government or the Provincial Government concerned, or some other officer empowered in this behalf by either of the two Governments. The applicant is behind the bars since the date of his arrest. It is yet to be determined whether the applicant has committed the alleged offence or not and whether case can be tried without permission as required under Section 196 Cr.P.C, hence the case of the applicant requires further probe into his guilt. Rightly reliance has been placed upon the cases reported as **2014 YLR**

2134 (Sindh), 2014 PLD 567 (Lahore), 2007 PCr.LJ 342 (Lahore), 2005 PLD 631 (Lahore), 1963 PLD (Karachi).

4. For what has been discussed above, the applicant is granted bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) and P.R bond in the like amount to the satisfaction of trial Court.

5. These are the reasons for the short order announced on 17.07.2023.

J U D G E

SAJID