

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.742 of 2023

Applicant : Muneer Hussain Butt S/o Muhammad Tufail through Mr. Abdul Latif Laghari, Advocate

Complainant : Thela Ram S/o Assan Dass
None present

Respondent : The State
Through Mr. Abrar Ali Khichi,
Addl. Prosecutor General, Sindh

Date of hearing : 24.08.2023

Date of order : 24.08.2023

ORDER

AMJAD ALI SAHITO, J – Through this bail application, applicant seeks pre-arrest bail in FIR No.163/2022 U/s. 468, 420, 379, 34 PPC at PS Mir Pur Bathoro, District Sujawal, after his bail has been declined by the learned Additional Sessions Judge, Sujawal vide order dated 16.03.2023.

2. The details and particulars of the FIR are already available in the memo of bail application and FIR, which can be gathered from the copy of FIR attached with the application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, the applicant is innocent and has falsely been implicated in this case; that in fact, the applicant is not owner of the said truck; that the name of the applicant does not transpire in the FIR, however, on the suspicious ground, he has been booked in this case. He lastly prays for confirmation of bail.

4. On the other hand, learned Addl. P.G. raises no objection for confirmation of bail on the ground that three other accused namely Muhammad Boota, Muhammad Iqbal and Zulfiqar have been granted bail by the learned trial Court.

5. Heard and perused. Admittedly, the name of the applicant does not transpire in the FIR and no specific role has been assigned against him. Further, three other accused namely Muhammad Boota, Muhammad Iqbal and Zulfiqar have been granted bail by the learned trial Court on the identical set of facts, as such, on the rule of consistency he is also entitled for bail. At bail stage, only a tentative assessment is to be made and deeper appreciation of the record is not permissible.

6. In view of the above stated position, learned counsel for the applicant has made out a case for grant of bail in terms of subsection 2 of Section 497 Cr.P.C. Resultantly, the instant bail application is allowed. The pre-arrest bail granted to the applicant vide order dated 05.04.2023 is hereby confirmed on the same terms and conditions. Applicant/accused is directed to attend the trial as and when required. However, it is made clear that if the applicant/accused misuses the concession of bail, learned trial Court would be at liberty to take appropriate action.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE

Kamran/PA