

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1588 of 2023

Applicant : Muhammad Shahid S/o Raheem Bux
Through Mr. Muddasir Iqbal, Advocate

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

Date of hearing : 15.08.2023

Date of order : 15.08.2023

ORDER

AMJAD ALI SAHITO, J – Through the instant bail application, applicant/accused seeks pre-arrest bail in FIR No.264/2023 U/s 320/427 PPC at PS Ferozabad, after his bail has been declined by the learned X-Additional Sessions Judge, Karachi East vide order dated 18.07.2023.

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, the applicant/accused is innocent and has falsely been implicated in this case; that the Motor Vehicle Inspector visited the place of incident and found both the vehicles damaged, as such, he was not in a position to say that who is on fault; that the offence in which the applicant has been booked is bailable. He lastly prays for confirmation of bail.

4. On the other hand, learned Addl. P.G. half-heartedly opposes for confirmation of bail.

5. Heard the parties and perused the material available on record.

6. Admittedly, the offence in which the applicant has been charged is bailable. As far as report of Motor Vehicle Inspector is concerned, it is yet to be determined at the time of trial as to who is on fault, when the evidence will be recorded. At bail stage, only a

tentative assessment is to be made and deeper appreciation is not permissible.

7. 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 21.07.2023 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.

8. 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 applicants on merits.

Kamran/PA

JUDGE