

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S – 497 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGE

Hearing of bail application

1. For orders on office objection at Flag 'A'
2. For hearing of bail application

22.09.2023

Mr. Alam Sher Bozdar, Advocate along with Applicant
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General for the
State

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ORDER

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MUHAMMAD IQBAL KALHORO, J.- Excise Inspector / complainant Muhammad Yaqoob Jagirani during a routine checking at Sindh Punjab Border tried to stop a truck trailer bearing Registration No.TMC-294 coming from Punjab, but driver sped away the same and after covering some distance parked it on the road and fled away. From checking of the said vehicle 80 kilograms of Charas was recovered. During investigation, from the documents of the vehicle, the complainant came to know that vehicle was owned by applicant, hence he submitted challan showing him as absconder.

2. The applicant when came to know of the case pending before the trial Court, applied for grant of pre-arrest bail, but did not succeed, hence, he filed the bail application before this Court. During the pendency of this application, Investigating Officer was called as the applicant had taken one of the grounds for bail to be the fact that he had already sold out, before commission of the offence, the vehicle to one Shahbaz Khan through an open letter, who however had not got registration of the vehicle mutated in his favour. Today, the Investigating Officer has submitted a report and states that from further investigation of the case this fact has been verified and it has come to surface that applicant had sold out the vehicle to one Shahbaz

Khan, and on the day of incident it was being driven by his driver Amanullah, who had fled away from the spot.

3. In view of such further investigation report, learned counsel for the applicant has pleaded for confirmation of interim pre-arrest bail, which, however has been opposed by learned DPG for the State. Be that as it may, since the report of the further investigation is clear and *prima facie* is in favour of the applicant that he had sold out the vehicle to one Shahbaz Khan and it was being driven by driver Amanullah on the day of incident. Accordingly, this bail application is allowed, the interim pre-arrest bail already granted to the applicant by this Court vide order dated 24.07.2023 is hereby confirmed on same terms and conditions. The Excise Police to act in accordance with the law as in the further investigation report the Investigating Officer has sought a permission to submit supplementary challan in the Court.

4. The observations made herein above are tentative in nature and will not prejudice the case of either party at the trial.

Judge

ARBROHI