

# IN THE HIGH COURT OF SINDH, KARACHI

## **Criminal Bail Application No. 1429 of 2024**

<i>Date</i>	<i>Order with signature of Judge</i>
<b>Applicant</b> Muhammad Shahbaz son of Umar-u-Din	: through Mr. Shams-ul-Hadi, Advocate Khan, Advocates
<b>The State</b>	: Through Mr. Shoaib Safdar, Assistant Prosecutor General, Sindh a/w SIP Muhammad Dilawar of P.S Korangi, Karachi
<b>Date of hearing</b>	: 21.08.2024
<b>Date of order</b>	: 21.08.2024

### **ORDER**

**Muhammad Saleem Jessar, J:-** Through this bail application, applicant Muhammad Shahbaz seeks his release on post arrest bail in Crime No.252 of 2023 of P.S Korangi, Karachi, for the offence punishable under Section 23(i)A of Sindh Arms Act, 2013. The applicant filed bail plea before the trial Court which by means of order dated 06.04.2024 was declined; hence, instant bail application has been maintained.

2. Since the facts of the prosecution case are already mentioned in the FIR, which is annexed with the Court file, therefore, there is no need to reproduce the same.

3. Learned counsel for the applicant simply argued that it is an offshoot of main case in which applicant has already been granted bail by this Court today viz. 21.08.2024; hence, deserves to be admitted to bail in this case also.

4. On the other hand, learned Assistant P.G, Sindh appearing for the State, opposed the bail application on the ground that no ill-will or any

animosity has been urged against the police for foisting weapon against the applicant, as claimed by the defense.

5. **Heard and perused record.** No doubt, the applicant has failed to bring on record any ill-will or animosity on the part of police for arraying him in this case falsely. Admittedly, it is an offshoot of main case viz. Crime No.250 of 2023 registered with P.S Korangi, Karachi, for offences punishable under Section 395, 397, 353, 324 & 186 PPC, in which applicant has been granted bail by this Court today viz. 21.08.2024 vide Criminal Bail Application No.1428 of 2024. It being an offshoot of main case, the applicant deserves to be admitted to bail in this case also. As far as, punishment provided by the law, is concerned, the legislature itself has left it upon discretion of the Court to determine quantum of the sentence after recording evidence of the prosecution witnesses. In this regard, I am fortified with dicta laid down by learned Bench of this Court in case of *AYAZ ALI Versus THE STATE (PLD 2014 Sindh 282)*.

6. In the circumstances and in view of above legal position, applicant has made out a good prima facie case of further inquiry within meaning of subsection (2) to section 497 Cr.P.C. Consequently, by a short order dated 21.08.2024, instant bail application was allowed; whereby, applicant **Muhammad Shahbaz son of Umar-u-Din** was directed to be released on bail subject to furnishing his solvent surety in the sum of Rs.30,000/- (Rupees Thirty Thousands Only) and PR Bond in the like amount to the satisfaction of learned trial Court.

7. It may be pertinent to mention here that the observation(s) made hereinabove is/are tentative in nature and shall not prejudice the case of either party during trial. However, if the applicant is found misusing the concession of bail, learned trial Court would be competent to proceed against him as well his surety, according to law.

These are the reasons of said short order.

**JUDGE**

Zulfiqar/P.A