

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
Crl. Bail Appln. No.S-114 of 2014

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE.
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02.05.2014.

1. For orders on office objection.
2. For hearing.

Mr. Ashfaque Hussain Abro, advocate for the applicant/accused.

Mr. Imtiaz Ali Jalbani, Asst. Prosecutor General.

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Applicant/accused Ahsan Ali Shah seeks bail in crime No.15/1993, registered at Police Station ACE, Shikarpur, under Sections 468, 471, 477-A, PPC, read with Section 5(2) Act II of 1947.

2. According to the prosecution case, the present applicant/accused while posted as Tapedar of Deh Chiman, Taluka Khanpur, District Shikarpur, allegedly issued a land revenue receipt in name of one Shah Nawaz declaring him to be owner of 100 jirebs of land, who stood surety for accused Shahmore in a murder case. Such revenue receipt on verification was found forged/false.

3. Learned advocate for the applicant/accused contended that previously bail was granted to the applicants/accused on merits by the learned Special Judge, Anticorruption, Larkana by order dated 22.10.2010. Thereafter, applicant/accused remained absent due to his ailment as he is suffering from Peptic Ulcer and Heptic Cyst. It is further contended by the learned Counsel that the applicant then appeared before the trial Court voluntarily and was remanded to the jail. He has submitted that applicant/accused is in jail since long and absence of the applicant/accused was neither intentional nor deliberate.

4. Learned Asst. Prosecutor General opposed the bail application, but stated that previously bail was granted to accused by trial Court on merits.

5. I am inclined to grant bail to the applicant/accused for the reasons that previously bail was granted to the applicant/accused on




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merits by the trial Court by order dated 22.10.2010. Relevant portion of the said order is reproduced as under :-

*“After hearing arguments of learned Counsel for both parties, and have perused the case papers. Perusal of record shows that name of applicant/accused is mentioned in the F.I.R, and case has been challaned by the Anticorruption police. The applicant/accused is Government servant, and the matter relates to the record that is already in possession of the prosecution. Perusal of record further shows that earlier the accused/applicant was granted bail before arrest on merit, but he remained absent from this Court as such Anticorruption Police Shikarpur arrested him and produced him before this Court.*

*Under these circumstances applicant/accused is in custody with Anticorruption Police Shikarpur, as such applicant/accused is admitted to bail on furnishing solvent surety in the sum of Rs.50,000/- (Fifty thousand Rupees) and P.R bond in the like amount to the satisfaction of this Court.”*

6. It has been argued that applicant/accused remained absent from the Court on account of his ailment and he has been in jail since long, therefore, concession of bail cannot be refused to the applicant/accused as punishment. Accordingly, bail is granted to the applicant/accused subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac) and P.R bond in the like amount to the satisfaction of the trial Court. Case is old. Trial Court is directed to decide the case within 02 months, under intimation to this Court.

  
9.5.2014.  
JUDGE