

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

Criminal Bail Application No.S-696 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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Bail Before Arrest

1. For hearing of main case

16.08.2019.

Mr. Aijaz Ahmed Chandio, Advocate for applicant along with applicant.

Mr. Nazar Muhammad Memon, Addl.P.G.

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By means of this application, applicant is seeking pre-arrest bail in Crime No.149/2019, under section 269, 270, 419 PPC registered at P.S Tando Adam City.

2. The F.I.R. against applicant has been registered by Dr. Farooque, who is Focal Person / Anti-quackery Officer posted at DHO Sanghar. As per its contents, on a tipoff he along with subordinate staff visited clinic of the applicant situated in Malhi Paro Tando Adam where applicant seeing them made his escape good. However, his brother namely Hyder Mehar, who was present, was asked to show documents to run allopathic clinic. In reply, he showed them two homeopathic degrees of the applicant. Complainant party found used syringes, injections, drip sets and other allopathic medicines, etc. available at the clinic regarding which no satisfactory explanation was forwarded by him. It was obvious that the applicant although was a homeopathic practitioner but in fact was doing practice on allopathic side without any permission and thereby putting human lives in danger. Of all such proceedings, the movie was recorded by the complainant party at the spot.

3. Learned Counsel for the applicant has argued that applicant is innocent and has been falsely implicated in this case by the complainant, who had demanded money from him.

4. On the other hand learned Additional Prosecutor General Sindh has opposed grant of bail to the applicant.

5. I have considered submissions of parties and perused material available on record. The offences u/s 269 and 270 PPC are bailable but section 419 PPC is non-bailable and carries punishment upto seven years. There is nothing on record to show that complainant, who is a government official and Anti-quackery Officer has enmity with the applicant to falsely

implicate him. The applicant was found doing practice on allopathic side illegally and thereby putting human lives in peril. The grant of pre-arrest bail is extraordinary relief which can be extended to an accused who is able to establish that he has been implicated on trumped up charges or that the complainant has ill will to falsely implicate him with ulterior motives and mala fide intentions. As discussed above, there is no such material available on record. Hence, I find applicant not entitled to pre-arrest bail. Accordingly, the application in hand is dismissed and ad-interim pre-arrest bail earlier granted to the applicant vide order dated 28.06.2019 is hereby recalled. The observations hereinabove are, however, tentative in nature and shall not prejudice case of either party before the trial court.

JUDGE

Ali Haider