

9

IN THE COURT OF ASGHAR SHAH SESSIONS
JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 48/4 of 2020
Date of Institution : 27.06.2020
Date of Decision : 30.06.2020

MUHAMMAD ZARIN VS THE STATE

ORDER

DPP, Umar Niaz for State and Mr. Altaf Hussain Advocate for accused/petitioner present.
Arguments heard and record gone through.

2. Accused/petitioner, Muhammad Zarin seeks post-arrest transit bail u/s 86 Cr.P.C read with section 497 Cr.P.C in case FIR No. 135, dated 22.05.2020, registered U/S 436/427 PPC at Police Station Maiman Ghot Malir, Karachi, wherein he is charged for setting at fire the farm of the complainant and thereby causing damage worth Rs. 50 lacs.

3. From the arguments and record available on file, it reveals that the accused/petitioner being charged in the above cited case was arrested u/s 54 Cr.P.C by the local police of Lower Orakzai Kalaya and daily diary no. 10 dated 11.06.2020 to this effect was recorded. The accused was sent to judicial lock-up by the Judicial Magistrate-I Orakzai on 12.06.2020 and till date, he is behind

30.6.2020
ASGHAR SHAH
District & Sessions Judge,
Orakzai at Baber Meli

10

the bar. The Superintendent sub-jail Orakzai at Hangu through his letter dated 23.06.2020 addressed to the SSP Malir, Karachi requested for deputation of police guard for the transfer of the accused/petitioner besides on the very date of arrest of accused/petitioner, the local police of District Orakzai have informed the police station Memon Ghot Malir, Karachi regarding the arrest of the accused/petitioner in the above cited case but till date no proceedings have been initiated by the police station Memon got Malir, Karachi. In the instant case, the accused/petitioner has submitted an affidavit before the Court alleging that he has not earlier applied in any other court for the transit bail besides deposed that in case he is granted post-arrest transit bail, he would submit surety bonds to the satisfaction of this court as well as would appear before the courts of District Malir at Karachi.


4. Since, the accused/petitioner is behind the bar for almost 19 days and yet no proceedings for his transfer on behalf of police station Memon Ghot Malir, Karachi have been on record so far besides the affidavit has also been submitted on behalf of accused/petitioner for his appearance before the competent court of District Malir, Karachi.

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Therefore, the accused/petitioner cannot be detained behind the bar for indefinite period and accordingly the bail petition of the accused/petitioner is accepted and he is granted post-arrest transit bail subject to furnishing bail bonds in sum of Rs. 300,000 with two sureties, each in the like amount to the satisfaction of this Court. The accused/petitioner is directed to approach the competent Court of District Malir, Karachi for obtaining interim bail and attested copies thereof be produced before this Court positively on 10.07.2020 failing which necessary legal proceedings would be carried out in accordance with law. Copy of this order be sent to District & Sessions Judge Malir at Karachi for information.

5. File be consigned to Sessions Record Room for after further necessary compilation and completion.

Announced
30.06.2020


ASGHAR SHAH
Sessions Judge, Orakzai
at Baber Mela
30/06/20