

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 38 of 2021

For Hearing of Bail Application

Haji Shamsuddin Rajper Advocate for Applicant.
Mr. Ameenuddin Khaskheli Advocate for complainant.
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

Date of Hearing: 22-02-2021

Date of Order: 22-02-2021

ORDER

AFTAB AHMED GORAR J. On dismissal of his Bail Application by learned 2nd Additional Sessions Judge, Moro, Naushehro Feroze vide order dated 05.01.2021, applicant / accused Khair Jan by caste Brohi has approached this Court by filing instant Crl. Bail Application under Section 497 Cr.P.C, for post-arrest bail in case FIR No. 251 of 2020 registered at P.S, Naushehro Feroze under Sections 395, 170, 342 & 215 PPC.

2. Learned counsel appearing on behalf of the applicant argued that the applicant is innocent and has nothing to do with the alleged offence; that the name of the present applicant does not transpire in the FIR, however, on the basis of further statement of complainant, he was inducted in this case; that recovered car has also been foisted upon the applicant; that all the PWs are police officials, as such they are interested witnesses, hence question of tampering with their evidence does not arise at all. Lastly, he prayed for release of applicant on bail as

the case against applicant calls for further enquiry, as envisaged under Sub-Section (2) of Section 497 Cr.P.C.

3. On the other hand, learned counsel appearing on behalf of the complainant as well as learned Deputy P.G for the State vehemently opposed the grant of bail and argued that there is no enmity between the complainant and the applicant; that robbed cars were recovered from the possession of the applicant; that prima facie sufficient material is available on record connecting the applicant with the commission of crime, hence he is not entitled to concession of bail.

4. Heard learned counsel for the parties at considerable length and perused the entire material available on record. It is settled principle of law that at the bail stage deeper appreciation of record cannot be gone into, but only it is to be seen as to whether applicant/accused is connected with the commission of offence or not. Applying the above rule to present case the tentative assessment of the material shows that no doubt the name of the applicant/accused does not transpire in the FIR, but on the basis of further statement of the complainant recorded in terms of Section 162 Cr.P.C, the present applicant was booked in this case. Furthermore, on perusal of record, it is evident that there is series of criminal cases bearing Crime No. 251 of 2020, Crime No.271 of 2020, Crime No.182 of 2020 registered against the applicant and his companions. Moreover, the recovery of two robbed cars of cases bearing Crime No.251 of 2020 and Crime No.271 of 2020 was also effected from the possession of the present applicant, which prima facie connect the present applicant with the commission of

offence that the present applicant and his associates are indulged in the business of like nature robberies and sale of robbed cars. Admittedly, there is no enmity between the complainant and applicant; hence question of false implication of applicant/accused does not arise. Moreover, the offences of robbery have rapidly grown in the society and people are deprived of their valuables on gun-point, this all has created panic situation in the society and one cannot move freely in the city, hence grant of bail to the applicant/accused at this stage will amount to encourage, while these type of offences are to be strictly discouraged.

5. For what has been discussed above, I am of the considered opinion that applicant has failed to make out a case of further enquiry as envisaged under Sub-Section (2) of Section 497 Cr.P.C. Consequently, listed Crl. Bail Application **stands dismissed** accordingly.

6. Before parting with this order, it is directed that any observations recorded in this order, being purely tentative in nature, should in no way prejudice the proceedings before the learned trial Court where the case be decided strictly on its own merits after recording evidence.

J U D G E