

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appln No. 118 of 2020

Date	Order with signature of Judge
------	-------------------------------

For hearing of bail application.

16.03.2020

Mr. Pervaiz Akhtar Butt, Advocate for the applicant
Mr. S. Meeral Shah, A. P.G a/w SIP Shamim Ahmed of
Police Station Shahrahe Noor Jehan

Through this bail application applicant Areen daughter of Munir Ahmed has assailed the legality and propriety of order dated 08.11.2019 passed by lnd learned Additional Sessions Judge Karachi (Central), on Cr. Bail Application No.1673 of 2019 filed under Crime No.177 of 2019 registered at police station North Nazimabad, Karachi for offences punishable under Sections 457/380 PPC, whereby after hearing the parties, dismissed the bail plea of the applicant.

It is contended by the learned counsel for the applicant that there is unexplained delay in lodging of FIR. It is further contended that though it is a case of theft of cash amount however there is no eye witness nor there any witness of recovery. He further submitted that there is material contradiction in the statement of complainant recorded under section 154 Cr.P.C and the statement recorded under section 161 Cr. P.C. hence he submits that this a fit case for grant of bail.

Learned APG objected to the grant of bail and submitted that a part of theft amount was produced by the applicant to the complainant which was also made case property. He further submitted that there is no animosity between the applicant and the complainant party. He also submitted unless the proper evidence of witnesses are recorded, bail may be declined to the applicant.

I have heard the learned Counsel for the applicant, learned APG as well as perused the material available on record.

A bare perusal of the record shows that neither any recovery is made from the applicant nor there is any witness before whom any amount as claimed was produced by the applicant. The record is also silent about any witness of incident. It admitted position that the amount so shown has also been produced by the complainant by himself before the police, hence all above facts case made out a case of further enquiry. The applicant is therefore, admitted to bail subject to her furnishing surety in the sum of Rs.100,000/- (Rupees One Lac) and P.R. bond in the like amount to the satisfaction of the Nazir of trial Court.

JUDGE