

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Date	Order with signature of Judge
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Cr. Bail Appl No.916 of 2020

Muhammad Rizwan
& anotherApplicants

Versus

The State.....Respondent

For hearing of Bail Application.

07.08.2020.

Mr. Muhammad Riaz Abbasi, Advocate for applicant
Mr. Hussain Bux Baloch, Addl: P.G. Sindh a/w PI Muhammad
Sohail Saddar and ASI Abdul Karim P.S. Khokhrapar, Karachi

ORDER

Applicants are seeking post arrest bail in a case bearing Crime No.117/2020, U/s 365, 384, 385, 337-A(i), 342, 34 PPC r/w section 7 ATA, 1997 registered at Police Station Khokhrapar, Karachi.

2. Applicant No.1 Muhammad Rizwan is Sub-Inspector allegedly posted at AVLK, CIA Saddar, Karachi, whereas Applicant No.2 is his driver. Allegation against them is that they had picked up complainant Jameel Muhammad Siddique a mechanic on 12.05.2020, and illegally confined him at Police Station Frere, where they tortured him and only after receiving Rs.5000/- as 'bhatta' released him. Complainant reported this matter at Police Station Khokhrapar on 16.05.2020 as a result of which FIR was registered and on the same day applicants were arrested.

3. Learned defence counsel has argued that applicants are innocent and have been falsely implicated in this case; that no case u/s 365, 384, 385 and 34 PPC is made out. On the other hand, learned Addl: P.G. Sindh has opposed grant of bail to the applicants, whereas, complainant who has been served as per endorsement of IO/Inspector Sohail Khan, has chosen to remain absent.

4. We have considered submissions of the parties and perused the material available on record. After due investigation, the case has been challaned and the applicants are no more required further investigation. Prima facie allegation of torturing the complainant is not established as no medical evidence in this regard is available on record. Allegation of receiving 'batta' requires further enquiry into a question as to whether it was 'bhatta' or bribe. Further none of the offences applicants are charged with fall within the prohibitory clause u/s 497(i) Cr. P.C. In the

circumstances application is allowed, and the applicants are granted post-arrest bail subject to furnishing a solvent surety in the sum of Rs.500,000/- (Rupees five lac) each and P.R bond in the like amount to be executed to the satisfaction of the trial Court. The trial court is however directed to expedite the trial and conclude the same within a period of 03 months. If the applicants attempt to cause delay in the trial on any ground not cogent, the trial court would be at liberty to take action according to law against them pertaining to bail without seeking permission from this court.

5. The bail application is disposed of in the above terms. The findings made hereinabove are tentative in nature and shall not prejudice case of either party at trial.

Judge Judge

Rafiq P.A.