

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

Criminal Bail Application No.S-311 of 2021.

DATE	ORDER WITH SIGNATURE OF JUDGE
-------------	--------------------------------------

For orders on office objections.

For hearing of main case.

01.11.2021.

Mr. Mazhar Ali Laghari advocate files vakalatnama on behalf of applicant.

Mr. Mashooque Ali Mahar, advocate for the complainant.

Ms. Sobia Bhatti, Assistant Prosecutor General, Sindh.

Applicants are present on ad-interim pre-arrest bail.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Applicants are accused of committing robbery from complainant of Rs.210,000/-, one mobile phone and one motorcycle on 02.03.2021 when he was going to Bhan town for purchasing animals. He however registered FIR on 11.03.2021 after more than nine days for which no explanation has been furnished by him. On 18.03.2021, motorcycle is shown to have been recovered from applicant Haji Khan. A reading of memo of its recovery shows that he i.e. Haji Khan voluntarily appeared at police station and produced motorcycle but strangely although he is nominated in the FIR but was not arrested by the police which prima facie casts a doubt over recovery of motorcycle from him.

Learned defense counsel has argued that parties are known to each other, there was quarrel between them; the complainant had sustained minor injuries, but by this FIR he has given a different color to this story. Learned APG submits that complainant has received minor injuries. Learned counsel for complainant has informed that in the trial complainant and two witnesses have already been examined and trial is likely to end after evidence of Medico Legal Officer. In the facts and circumstances as discussed above, the case against the applicant requires further inquiry and his false implication in the incident as narrated by the complainant cannot be ruled out. Moreover already material witnesses have been examined therefore, it would serve interest of justice to confirm bail of the applicant and direct learned trial Court to expedite the trial.

Accordingly, this bail application is allowed and ad-interim pre-arrest bail granted to the applicant vide order 21.04.2021 is hereby confirmed on the same terms and conditions. However learned trial Court is directed to expedite and conclude the trial within a period of three months.

The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE

Irfan Ali