

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Applications No.2706 & 2707 of 2024

Applicant : i. Muhammad Haseeb S/o Atta
Muhammad
ii. Hubdar S/o Mushtaq
through Mr. Majid A. Gabol, Advocate

Complainant : Fida Hussain present in person.

Respondent : The State
Through Ms. Rahat Ahsan, Addl. P.G.,
Sindh a/w SIP Muhammad Nawaz of
PS Sachal

Date of hearing : 30.01.2025

Date of order : 30.01.2025

ORDER

AMJAD ALI SAHITO, J – By this common order, I intend to dispose of these two bail applications filed by the applicants named above, who are seeking post-arrest bail in Crime Nos.1219/2024 U/s 397/34 PPC & 1220/2024 U/s 23(i)(a) SAA, 2013 both registered at PS Sachal, after their bail plea has been declined by the learned Additional District & Sessions Judge-VIII, Karachi Malir vide orders dated 03.08.2024 and 18.09.2024 respectively.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicants, the applicants are innocent and have falsely been implicated in these cases; that the entire case is false and the robbed properties have been foisted upon the applicants as the version narrated in the FIR is not believable that after committing robbery the applicants remained at the place of incident for one hour when the police reached there and arrested them; that the applicants have joined the investigation and they are no more required for further investigation. Lastly, he prays for post-bail to the applicants.

4. On the other hand, learned Addl. P.G. vehemently opposes for grant of bail on the ground that the applicants were arrested on the spot after attempting robbery with the complainant and recovery was effected from them; as such, they are not entitled for concession of bail.

5. Heard the parties and perused the material available on record.

6. The case of the prosecution is that complainant namely Fida Hussain is a businessman. On the day of incident, after receiving Rs.57,000/- from a milk shop, he was coming to home when four unknown persons intercepted him and on show of weapon, robbed his wallet containing CNIC and cash Rs.5300/- so also shopping bag in which Rs.57,000/- was kept and fled away. Meanwhile, police mobile came there and the complainant narrated the happening of the incident. After hearing the story, police party alongwith complainant chased the accused persons and at some distance two persons were surrounded and subsequently arrested. The accused persons disclosed their name as Haseeb and Hubdar; however two accused managed to flee away on their bike. From the personal search of accused Haseeb, police recovered one 9mm pistol without number and one mobile phone Nokia and from the possession of accused Hubdar, police recovered robbed brown wallet, MC copy and cash Rs.5300/-. The accused Haseeb failed to produce valid license; as such, separate FIR was registered and the same was sealed on the spot. During the course of arguments, when learned counsel for the applicants was confronted as to whether any enmity exists between the parties, he was unable to properly answer. Further the complainant present in Court confirms that the arrested culprits are the same who robbed him. At bail stage, only tentative assessment is to be made and deeper appreciation is not permissible. Sufficient material is available on record to connect the applicants with the commission of offence.

7. Since accused Haseeb arrested on the spot and police recovered one 9mm pistol from his possession in presence of the complainant. No enmity or ill-will has been suggested for false implication.

8. In view of the above, learned counsel for the applicants has failed to make out a case for grant of post-arrest bail in terms of

subsection 2 of Section 497 Cr.P.C. Accordingly, the instant Bail Applications are **dismissed**.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

JUDGE

Kamran/PA