

ORDER SHEET
IN THE HIGH COURT OF SINDH, AT KARACHI.

Criminal Bail Application No.2798 of 2023.

Date	Order with signature of Judge
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For hearing of bail application.

01.02.2024.

Mr. Muhammad Nizar Tanoli, Advocate for the applicants.
Mr. Saleem Ahmed Shar, Assistant Prosecutor General.
SIP Javed PS Saeedabad, Karachi.

MOHAMMAD KARIM KHAN AGHA, J:- The Applicants Imran Ali S/o. Syed Hassan Ali and Sadaat Awan S/o. Ghulab Din are facing trial before the IInd Additional District Judge West Karachi in respect of FIR No.705/2023 U/s. 397/395/452/354-PPC registered at P.S. Saeedabad, Karachi. The applicants applied for post-arrest bail before the Xth Additional Sessions Judge Karachi West which was declined vide order dated 07.12.2023, hence they have approached this Court for post-arrest bail.

2. The brief facts of the case are that on 29.11.2023 at about 1245 a.m. about 10/12 persons in civil dress duly armed entered the complainant's house and robbed box of ammunition, 04 tola gold and Rs.200,000/- hence the current FIR was lodged.

3. I have heard learned counsel for the applicants and learned Assistant Prosecutor General Sindh. The complainant has been served but he has preferred to remain absent.

4. The first point to note is that the maximum sentence for the offences under which the applicants have been charged is 07 years imprisonment and in such like cases the general rule is that bail should be granted unless some exceptional circumstances have been made out to justify declining of bail. In this case no such exceptional circumstances exist. The applicants were not known to the complainant and were not

arrested on the spot and put up before the ID parade, hence the applicants have made out the case of further inquiry regarding their identification. No recovery has been made from the applicants. The applicants are no longer required for investigation. In addition learned counsel for the complainant has sworn an affidavit that he was not inclined to pursue this case and wanted to dispose of the case in 'C' class but the Magistrate however, took cognizance of the same. The complainant has once again filed an affidavit that he has no objection to the grant of bail or even acquittal of the applicants.

5. Under these circumstances post-arrest bail is granted to the applicants Imran Ali S/o. Syed Hassan Ali and Sadaat Awan S/o. Ghulab Din subject to them furnishing solvent surety in the amount of Rs.100,000/- (Rupees one lac only) each and P.R. Bond in the like amount to the satisfaction of Nazir of this Court. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the outcome of the trial of the applicant which shall be decided by the concerned trial Court based on the evidence placed before it. The trial court is directed to complete the trial expeditiously. A copy of this order shall be sent to the IInd Additional District Judge West Karachi for compliance.

6. This post-arrest bail application is disposed of in the above terms.

JUDGE

M. Arif