

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No.1520 of 2022
Cr. Bail Application No.1521 of 2022
Cr. Bail Application No.1522 of 2022

Date	Order with signature of Judges
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FOR HEARING OF BAIL APPLICATIONS.

14.09.2022.

Mr. Muhammad Aslam Bhutta, Advocate for the Applicants.
Mr. Abrar Ali Khichi, Addl. Prosecutor General Sindh.

Mohammad Karim Khan Agha, J. We intend to dispose of all the three captioned bail applications by a single order.

2. Faizan and Qudratullah have been booked in FIRs No.315 of 2022 u/s.353/324/34 PPC r/w Section 7 ATA, 1997, No.316 and No.317 of 2022 u/s.23(I)A of SAA 2013 registered at PS SSHIA, Karachi. Initially applicants approached the learned trial court i.e. Anti-Terrorism Court No.XII, (ATC Judicial Complex, Central Prison) Karachi for post arrest bail, however, their application for post arrest bail was declined vide order dated 05.07.2022. Hence the applicants approached this Court for post arrest bail.

3. Brief facts of the case as per FIRs are that the police of PS SSHIA, Karachi on 04.03.2022 were on patrolling when they saw the applicants behaving in a suspicious manner on a motorcycle near Dua Hotel, Super Highway at service road at about 2230 hours. Police tried to stop them but they made fire upon the police party; police returned fire in self defence and during cross firing one of the accused persons received fire arm injury. Both the accused persons were arrested on the spot and a pistol was recovered from each of them which were unlicensed. The applicants were arrested and the FIRs, as mentioned earlier, have been registered against them.

4. Final challan has now been submitted and the charge has been framed to which the applicants have pleaded not guilty and claim false implication in this case by the police.

5. We have heard the parties and perused the record.

6. Both the applicants were arrested on the spot, one of was in injured condition for which medical certificate was produced. When the applicants were arrested on the spot unlicensed pistols were recovered from them; empties which were recovered at the scene matched with the pistols recovered on the spot which were sent for FSL report which proved positive. The police officials had no reason to falsely implicate the accused in this case as they have no enmity or ill will towards them and as such based on our tentative assessment of the material available on record we find that the Prosecution has produced sufficient evidence at this stage to connect the applicants with the aforesaid offences so charged and as such their applications for post arrest bail are dismissed.

7. It goes without saying that this order is based only on a tentative assessment of the available record and shall have no bearing on the trial which shall be decided on merits based on the evidence produced before the trial Court.

8. Trial Court is directed to complete the trial of the aforesaid cases within 06 months of the date of this order. Copy of this order shall be sent to learned Judge Anti-Terrorism Court No.XII, (ATC Judicial Complex, Central Prison) Karachi for compliance.

9. All the three Criminal Bail Applications stand disposed of in the above terms.

JUDGE **JUDGE**