

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No. 1688 of 2016

Date

Order with signature of Judge

Present

Mr. Justice Muhammad Ali Mazhar.
Mr. Justice Adnan-ul-Karim Memon.

Javed

.....

Applicant

V E R S U S

The State

.....

Respondent

Date of hearing 26.12.2016

Mr. Dur Muhammad Mallah, Advocate for the applicant.

Mr. Muhammad Iqbal Awan, A.P.G.

Inspector Syed Zulqarnain, I.O. of the case.

Muhammad Ali Mazhar, J: The applicant has applied for bail in crime No. 477 of 2015, lodged at Police Station Taimuria, Karachi, under Sections 324/353/34 PPC r/w Section 7 ATA. According to the FIR, six suspicious persons on three motor cycle were attempted to stop, thereafter, they started firing on the police party. Two accused persons including applicant were apprehended while other accused persons made their escape good. One hand grenade was recovered from the possession of accused Younis, whereas, from the possession of applicant one unlicensed .30 bore pistol was recovered in presence of police mashirs. All the witnesses in their statements recorded under Section 161 Cr.P.C fully supported the version of the complainant. The empties of S.M.G. and .30 bore were also secured which were sent to the F.S.L. along with recovered

weapon for examination. The C.R.O. of the accused has been pointed out which shows the involvement of accused in number of crimes.

2. Learned counsel argued that there were three C.R.Os. with the change of parentage but in one C.R.O. the name of the applicant's father is same. He further argued that applicant has been falsely implicated in the case but the order of the learned trial court shows no such ill will or previous enmity was pointed out. Since the applicant was arrested on the spot and incriminating material was also secured and the C.R.Os. were also produced, though this fact has been denied by the counsel for the applicant so at this stage, we are of the tentative view that there are no reasonable grounds to belief that applicant is not involved in the crime. However, after arguing at some length, learned counsel for the applicant requests that trial court may be directed to examine ASI Javed who lodged the FIR on behalf of State and the I.O., thereafter, the applicant may be allowed to file fresh bail application. Learned A.P.G. has no objection on this proposal. Bail application is disposed of. However, since the charge has been framed, therefore, learned trial court is directed to record the statements of ASI Javed and Inspector Syed Zulqarnain, I.O. of the case and after recording the said statements, the applicant may move fresh bail application in the trial court. it is expected that the learned trial court will decide the same expeditiously. On last date of hearing, show cause notice was issued to the I.O as to why the police papers were not produced? Today, he

has filed explanation that on the last date, he handed over the file to the A.P.G. in late hours, therefore, he tendered his apology. Reply is taken on record, the show cause notice is discharged.

JUDGE

JUDGE

Aadil Arab