

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
Cr. Bail Appln. No. 1431 of 2016

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Date	Order With Signature Of Judge
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For hg of bail application

30.01.2017.

Mr. Muhammad Aslam Shar, advocate for applicant.  
Mr. Abdullah Rajput, A.P.G.  
Complainant Didaar Ali Khoso is present in person.

**ZAFAR AHMED RAJPUT, J:-** Through instant Criminal Bail Application, applicant Ghulam Khaliq @ Rafiq son of Muhammad Umer @ Ghulam Hussain seeks post arrest bail in Crime No.169/2016, registered at P.S. Al-falah, under section 392 P.P.C. His earlier bail application bearing No. 1364 of 2016 was heard and dismissed by the 4<sup>th</sup> Additional Sessions Judge, Karachi-East.

2. As per the F.I.R. Complainant Didaar Ali Khoso on 24.05.2016 was present at his house about 1:45 p.m. when one person wearing veil entered into his house and robbed his Q-mobile and cash of Rs.500/- by showing pistol and fled away in the street. The complainant raised cries to which muhallah people attracted and he with their help caught hold the applicant and recovered robbed cash, mobile phone and pistol from his possession which he produced before the police.

3. Learned counsel for the applicant contends that there is no reasonable ground for believing that the applicant/ accused is guilty of alleged offence; that there is previous enmity of the applicant with the complainant as the sister of the complainant,

namely, Saima Khoso intended to marry with the applicant but the complainant was not ready to give her hand to applicant, therefore, he falsely implicated the applicant in this case; that the alleged offence does not fall within the prohibitory clause of section 497 Cr. P.C., therefore, the applicant is entitled to the concession of bail; that the applicant is neither hardened desperate or habitual criminal nor there is any apprehension that he would destroy the evidence of the prosecution after obtaining post arrest bail.

4. On the other hand the learned A.P.G. opposes bail to applicant on the ground that the applicant is nominated in F.I.R. with specific role and he was arrested from the spot with the help of muhallah people and the cash amount and mobile phone were recovered from his possession.

5. Heard the learned counsel for the applicant and learned A.P.G. and perused the material available on record.

6. As per the F.I.R., the applicant was arrested with the help of muhallah people after committing robbery from the complainant and robbed articles were recovered from him. The applicant has been nominated in the F.I.R. with specific role. The alleged offence, being punishable for seven years, does not fall within the prohibitory clause of section 497 Cr. P.C; however, in such like cases the bail is not a right of applicant/ accused but a concession. The alleged enmity cannot be determined by this Court, as no supporting material has been placed by the applicant for examination, hence, it would be determined by the trial Court,

this Court at bail stage cannot entered into deeper appreciation of evidence. The offences like robbery and dacoity are being committed frequently in the society, which has created fuss in people and sense of insecurity. Since in tentative assessment of the evidence available with prosecution, sufficient material is available with the prosecution to implicate the applicant in commission of the alleged offence, I, therefore, dismiss this bail application with direction to learned trial Court to conclude the trial of the applicant expeditiously.

7. The observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits.

JUDGE