

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

Criminal Bail Application No.D-07 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For hearing of main case

27.02.2019.

Mian Taj Muhammad Keerio, Advocate for applicant.

Ms. Rameshan Oad, A.P.G. alongwith Inspector Muhammad Ali Soomro, Investigating Officer of the case.

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By means of this application, Applicant Haroon alias Shaman is seeking post arrest bail in Crime No.02 of 2018 of P.S CTD Hyderabad, under section 5/6 Explosive Act r/w section 7 Anti-Terrorism Act, 1997.

As per brief facts, accused namely Arif and Zohaib Jamali, who were already arrested in Crime No.167/2018 u/s 3/4 Explosive Act r/w section 6/7 ATA and 34 PPC registered at P.S B-Section, Shaheed Benazirabad, were interrogated on 16.10.2018. Besides disclosing other facts they informed the police about huge quantity of explosive, paraphernalia for making a bomb, etc. present in the shop of one Ghulam Muhammad Jamali, Bhangwar Colony, VIP Road Nawabshah, Shaheed Benazirabad, which was in the possession of present applicant, who is otherwise younger brother of co-accused Arif. On such information police along with the arrested accused came at the pointed place where they found the applicant present and he at the instance of his brother co-accused Arif unlocked the shop wherefrom explosive and paraphernalia meant for making a bomb and bomb making machine, etc. were recovered. Consequently, the applicant was arrested and booked alongwith co-accused in the present offence and crime.

Learned Counsel for the applicant has argued that the applicant is innocent and has been implicated on the basis of statement of co-accused, and that nothing was recovered from him. In support of his arguments learned Counsel has placed reliance on the cases reported in 2012 YLR 1191 and 2011 YLR 1390.

On the other hand, Ms. Rameshan Oad learned Assistant Prosecutor General Sindh, who is assisted by the Investigating Officer of the case, has opposed the grant of bail to the applicant.

We have considered submissions of the parties and perused the material available on record including the case law relied upon at bar. In our view *prima facie* there is sufficient evidence connecting the applicant with the alleged offence. The shop wherefrom aforesaid property was recovered was found in possession of the applicant. No doubt the co-accused had pointed out presence of explosive but it seems to be in conscious possession of the applicant as is evident from its recovery subsequently from the place which was in his possession and he unlocked it. In presence of such a *prima facie* evidence, the applicant is not entitled for bail. We have been informed that the charge has been framed, therefore, before parting with this order we would direct the trial court to at least examine the complainant of the case within a period of one month without fail and thereafter or in the meanwhile any fresh ground accrues to the applicant, he would be at liberty to move a fresh bail application before the trial court, which if filed, shall, however, be decided on its own merits.

With the above observations, which are tentative in nature, the bail application is dismissed.

JUDGE

JUDGE