

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT HYDERABAD

Criminal Bail Application No. S- 425 of 2019

Waseem ----- Applicant

Vs.

The State ----- Respondent

Date of Decision: 25.06.2019

Mr. Muhammad Saleem Leghari, advocate for applicant.
Mr. Shahzado Saleem Nahiyoon, D.P.G.

ORDER

IRSHAD ALI SHAH, J: - It is alleged that on arrest from the applicant was secured 04 kg of charas by police party of police station `Sakhi Pir` district Hyderabad, which was led by SIP Rao Muhammad Javed, for that he was booked and challaned accordingly.

2. The applicant on having been refused post arrest bail by learned IIIrd Additional Sessions Judge / Special Judge CNS Hyderabad has sought for the same from this court by way of instant bail application under Section 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police on account of previous enmity, there is no independent witness to the incident and the applicant is having no criminal record as such he is liable to be admitted to bail on point of further inquiry.

4. Learned A.P.G. for the State has opposed to grant of post-arrest bail to the applicant by contending that the offence which the applicant has committed is affecting the society at large.

5. I have considered the above arguments and perused the record.

6. The name of applicant is appearing in FIR with specific allegation that on arrest from him has been secured 04 kg of charas. In that situation it would be premature to say that the applicant being innocent has been involved in this case by the police. Nothing has been brought on record by the applicant which may suggest that he was having enmity with any of the police personnel in person. No doubt that there is no independent witness to the incident but such fact is not enough to disbelieve the complainant and his witnesses at this stage. The police officials are as good witnesses as others. It is settled by now that the deeper appreciation of the facts and circumstances is not permissible while deciding the bail application. The applicant may be a first offender but this fact alone is not enough to admit him to bail in case like the present one, which is affecting the society at large. There appear reasonable grounds to believe that the applicant is guilty of the offence for which he is charged.

7. In view of the facts and reasons discussed above, it could be concluded safely that no case for grant of bail to the applicant is made out. Consequently, the instant application is dismissed.

JUDGE