

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr.B.A.No.S-985 of 2020

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

23.11.2020.

Mr. Parshotam K. Khatri, Advocate for applicant.
Ms. Rameshan Oad, A.P.G for the State.
None present for the complainant.

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Irshad Ali Shah J:- It is alleged that the applicant along with rest of the culprits being armed with deadly weapons robbed PW Khoshal, cousin of complainant Partosham of his mobile phone and Rs.250,000/=, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Additional Sessions Judge-I, Umerkot has sought for the same from this court by way of instant 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; the FIR of the incident has been lodged with delay of about two days and case has finally been challaned; the complainant and PWs are related interse therefore, the applicant is entitled to be released on bail on point of further enquiry. In

support of his contention he has relied upon case of *Asif Ali vs The State* (2016 YLR 2454).

4. Learned A.P.G. for the State has opposed to the grant of bail to the applicant by contending that on arrest from him has been secured not only crime weapon but the robbed money under his share.

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

6. The name of the applicant is appearing in the FIR with specific allegation that he with rest of the culprits robbed PW Khoshal of his belonging as are detailed above after keeping him under fear of death. The incident is said to have been recorded under CCTV cameras and on arrest from the applicant and others have not only been recovered the crime weapons but the robbed money and mobile phone. In that situation, it would be premature to say that the applicant being innocent has been involved in this case falsely by the police. No doubt there is delay of about two days in lodgment of FIR, but it is explained in FIR itself. The delay in lodgment of FIR even otherwise, could not be resolved by this Court at this stage. The complainant and his witnesses may be related interse but their relationship is not enough to disbelieve them at this stage. They are appearing to be natural witness to the

incident. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged.

7. The case law which is relied upon by learned counsel for the applicant is on distinguishable facts and circumstances. In that case the accused was released on bail raising of no objection by the complainant by way of filing his affidavit. No such no objection is raised by the complainant for release of the applicant on bail in the present case.

8. In view of the facts and reason discussed above, it could be concluded safely that the applicant is not found entitled to be released on bail. Consequently, his bail application is dismissed with direction to learned trial Court to expedite disposal of the case preferably within three months after receipt of copy of this order.

9. Needless to state, that the observation recorded above is tentative in nature; same may not affect the case of either of the party at trial.

JUDGE