

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.862 of 2020

Applicant : Rao Nadeem S/o Hassan Ali
Through Mr. Shah Imroz Khan,
Advocate

Complainant : Tariq Javed S/o Kamaluddin
(None present for the complainant)

Respondent : The State
Through Mr. Abrar Ali Khichi,
Addl. Prosecutor General, Sindh

Date of hearing : 06.08.2020

Date of order : 06.08.2020

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.352/2020 registered under Section 395 PPC at PS Zaman Town, Karachi, after his bail plea has been declined by X-Additional Sessions Judge, Karachi East vide order dated 12.06.2020.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused has mainly contended that applicant/accused is innocent and has falsely been implicated in this case. He has produced certain documents and further contended that prior to his arrest, wife of the applicant has moved an application to the competent authority; that no recovery has been effected from

the applicant/accused. He has also relied upon an application under section 491 Cr.P.C., which was filed in the year 2018. He lastly prays for grant of post-arrest bail to the applicant/accused.

4. On the other hand, learned Addl. PG has vehemently opposed for grant of bail to the applicant/accused.

5. I have heard the learned counsel for the parties and have gone through the material available on record. The case of the prosecution is that on the day of incident, the complainant alongwith his sister Mst. Sakina left their house to go to Zia Colony. On the way, five persons on three motorcycles suddenly came and forcibly stopped them and on show of weapons, they snatched wallet, original CNIC, cash amount of Rs.3000/- and mobile phone; meanwhile in hue and cry, Police of PS Zaman Town came and arrested the accused who disclosed their names as (1) Shakeel, (2) Zubair, (3) Nadeem (present applicant), (4) Asif and (5) Niazal Magsi and from their possession, recovered an unlicensed weapon and the robbed amount. Further, a bare perusal of Section 391 PPC reflects that when five or more persons conjointly commit or attempt to commit a robbery, or where rob whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting or aiding is said to commit "dacoity". The contention of the learned counsel that no robbed amount was recovered from the applicant/accused having no force. In the present case, all the accused persons committed dacoity and police arrested them on the spot. Further, presently in Karachi, cases of such like nature are increasing day by day and in order to curb the situation, it is appropriate to take action against the culprits involving in

such crimes. At bail stage, only tentative assessment is to be made and deeper appreciation of evidence is not required, prima facie sufficient material is available on the record to connect the applicant/accused with the alleged offence.

6. In view of the above, learned counsel for the applicant/accused has failed to make out a case for grant of post-arrest bail to the applicant/accused. Resultantly, the instant bail application merits no consideration, which is dismissed accordingly. The learned trial Court is directed to expedite the case and decide the same within a period of three months after receipt of this order.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

Kamran/PA

JUDGE