

# IN THE HIGH COURT OF SINDH AT KARACHI

Present:

**Mr. Justice Amjad Ali Sahito**

Criminal Bail Application No.1096 of 2020

Applicant : Ossama S/o Abdullah  
Through Mr. Asghar Ali Khan,  
Advocate

Respondent : The State  
Through Mr. Talib Ali Memon,  
Assistant Prosecutor General, Sindh

Date of hearing : 07.09.2020

Date of order : 07.09.2020

## **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.227/2020 registered under Sections 380/454/457/34 PPC at PS Eidgah, after his bail plea has been declined by learned 11<sup>th</sup> Additional Sessions Judge, Karachi South vide order dated 24.06.2020.

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 the applicant/accused is innocent and has falsely been implicated in this case; that there is a delay in lodging the FIR; that prior to this, he was granted bail in similar nature cases; that no evidence is available on record which connects the applicant/accused in the instant case; that nothing has been recovered from the possession of applicant/accused; hence, he is entitled for concession of post-arrest bail.

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

ground that applicant/accused is habitual offender and involved in similar nature cases.

5. I have heard the learned counsel for the parties and have gone through the material available on record. From perusal of record, it reveals that after granting bail in FIR being Crime No.220/2020 under sections 380/454/457/34 PPC at PS Eidgah, applicant/accused has been booked in the instant crime being FIR No.227/2020 under sections 380/454/457/34, which shows that he has misused the concession of bail in a similar nature case after being released from the jail. The applicant/accused is also involved in narcotics as well as illegal arms case registered under section 23(i)A of Sindh Arms Act, 2013. Further, the applicant/accused is charged in the offence which falls within prohibitory clause. As far as contention of learned counsel that there is a delay of lodging the FIR is concerned, it is well-explained by the complainant that he was out of city and offence was committed in his absence, when he returned to home, he lodged the instant FIR. Per learned APG, challan has been submitted and the charge has been framed before the trial Court.

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. However, the learned trial Court is directed to expedite the case and decide the same within a period of two 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.

JUDGE

Kamran/PA