

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S- 30 of 2021

DATE ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objection
2. For hearing of main case.

02.02.2021.

Mr. Aijaz Shaikh, advocate for applicant
Ms. Sobia Bhatti, A.P.G.
Complainant Muhammad Ammar in person.

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Irshad Ali Shah J;- It is alleged that the applicant with rest of the culprits by making trespassed into house of complainant Muhammad Ammar robbed him and his witnesses of their gold ornaments and other belongings, for that the present case was registered.

2. The applicant on having been refused post arrest bail by the learned Additional Sessions Judge-I, Tando Adam has sought for the same from this court by way of instant application U/s 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 complainant party on account of professional rivalry; the FIR of the incident has been lodged with delay of about two days; the applicant has been subjected to identification parade on 3rd day of his arrest; recovery of mobile phone being available in market has been foisted upon the applicant. By contending so, he sought for release of the applicant on bail on point of further inquiry. In support of his contention he has relied upon case of *Rustam Khan vs The State* (2020 P.Cr.L.J Note 61).

4. Learned A.P.G for the State who is assisted by the complainant has opposed to release of applicant on bail by contending that the applicant has committed the offence, which is affecting the society at large.

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

6. Admittedly, the name and description of the applicant are not appearing the FIR though it is lodged with delay of about two days, which appears to be significant. The applicant has been subjected to identification parade on 3rd day of his arrest. No explanation to such delay is offered. Nothing has been brought on record, which may suggest that the mobile phone allegedly recovered from the applicant was owned by the complainant or any of his witness. In these circumstances, a case for grant of bail to the applicant on point of further enquiry obviously is made out.

7. In view of above, the applicant is admitted to bail subject to his furnishing surety in sum of Rs.100,000/- and PR bond in the like amount to the satisfaction of learned trial Court.

8. The instant bail application is disposed of accordingly.

JUDGE

