

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Criminal Bail Application No. 514 of 2020

Date	Order with Signature of the Judge
------	-----------------------------------

For hearing of bail application.

Heard on : 16.11.2020

Decided on : 16.11.2020

For Applicant : Mr. Muhammad Sharif Bhutto, Advocate.

For State : Mr. Faheem Panhwar, A.P.G, Sindh.

Kausar Sultana Hussain, J.:- On dismissal of post-arrest bail Application No.749 of 2020 of applicant / accused Nadir Ali son of Bashir Ahmed, by the learned trial Court, vide order dated 09.03.2020, the above named applicant / accused has approached this Court, by filing the instant bail application under Section 497 Cr.P.C to enlarge him on bail in case FIR No.586 of 2019, registered at Police Station Shah Latif Town, Malir Karachi, under Section 395 PPC.

2. I have heard the learned counsel for the applicant / accused and learned A. P.G. for the State.

3. The main thrust of arguments of learned representative of applicant / accused is that the co-accused namely Talib Hussain has already been granted bail by the learned trial Court on 24.1.2020, hence the applicant/accused is also entitled for the same relief on the rule of consistency; that there is two days delay in lodgment of FIR by the complainant without any plausible explanation. He further submitted that no specific role has been ascribed in the FIR but appears to be concocted story, therefore, such fact creates doubt. He further contended that there is no any

evidence against the applicant / accused, which connect him with the alleged offence, therefore, matter needed further inquiry.

4. In contra, learned A.P.G, Sindh for State unequivocally contended that the applicant/accused was arrested in another case crime under Section 23-(1) (A) of Sindh Arms Act and during interrogation, he confessed his guilt before police and the complainant and other P.Ws have implicated the applicant/accused in their statements under Section 161 Cr.P.C. Further the role of co-accused Talib Hussain is quite distinguishable from the role of present applicant/accused and also Identification conducted in which complainant and one eye witness have identified the applicant / accused rightly, therefore, applicant/accused is not entitled for grant of bail on the rule of consistency as well as on merits.

5. In rebuttal, the learned counsel for the applicant / accused has contended that before the concerned Judicial Magistrate during Identification parade, the applicant / accused has raised objection that the complainant has already seen him but the same has not been considered.

6. I have extensively heard the prime contention of learned counsel for applicant/accused, A.P.G for State and have gone through the record made so available.

7. From the perusal of case file, it reveals that the applicant / accused alongwith co-accused Imran was arrested by the police in another case crime No. 680/681 of 2019 registered under Section 23-(1)(A) of Sindh Arms Act and during interrogation, the present applicant / accused confessed his guilt in the commission of present crime alongwith his other companion. During investigation, complainant and PW Mohabat Khan have identified

the applicant / accused before the concerned Magistrate in identification parade, being their culprit. The complainant and other prosecution witnesses have implicated the applicant / accused in their statements recorded by the Investigating Officer under section 161 Cr.P.C. The role of co-accused Talib Hussain, who has been granted bail by the learned trial Court on 09.3.2020 is different from the role of present applicant/accused, hence the rule of consistency does not attract to the case in hand. No animosity against complainant and the other prosecution witnesses has been made out and the applicant/accused has failed to make out the case of further inquiry.

8. From the perusal of tagged Cr. Bail Application No.513 of 2020 of applicant / accused, it transpires that another case FIR No. 579 of 2019, under Section 395 PPC of PS Shah Latif Town, Karachi is also pending against the applicant / accused before the learned trial Court, which seems that the applicant / accused is a habitual offender.

9. Be that as it may, the ratio of instant crimes are increasing day by day and creating sense of insecurity in the mind of innocent citizens. I, therefore, reject the bail application of the applicant / accused.

10. The observations recorded above are tentative in nature, therefore, trial Court shall not be influenced with them in any manner whatsoever.

11. Above are the reasons for short order dated **16.11.2020.**

J U D G E

Faheem/PA