

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.1729 of 2019

Date	Order with signature of Judge
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Arif Ali & othersApplicants

Versus

The State.....Respondent

1. For orders on Misc. MA No.13567/2019(Ex.A)
2. For hearing of bail application

31.12.2019

Mr. Waqarullah Korejo, Advocate for Applicant
Mr. Zafar Ahmed, Addl; P.G. Sindh

ORDER

Applicants are seeking post arrest bail in a case bearing Crime No.151/2019, U/s 353, 324, 34 PPC read with section 7 ATA, registered at Police Station Quaidabad, Malir Karachi by means of this application.

2. Applicants were arrested on 31.05.2019 at 02:00 a.m. from Star Ground Near Soti Mohallah Landhi Quaidabad, Karachi Malir by police party headed by ASI Muhammad Asif, Police Station Quaidabad, District Malir after an encounter in which all of them had received injuries and from each of them a 30 bore pistol loaded with bullets was recovered. In the wake of such recovery and encounter, all the accused have been booked in different cases including present case.

3. Learned defence counsel has argued that applicants are innocent and have been falsely implicated in this case; that at the most allegation against them are of ineffective firing in which no member of police party was injured; that prosecution story does not appeal to common sense as all the accused got firearm injury on right leg below knee; that this is infamous case of "**half fry**"; that before this incident mother of applicant namely Saeed Ahmed had moved an application to Director General (DG) Rangers, Sindh against illegal arrest of his son by the Rangers officials.

4. On the other hand, learned Addl; P.G. Sindh has opposed grant of bail to the applicants. However, he admits that there is no criminal record of the applicants.

5. We have considered submissions of the parties and perused the material available on record. Against applicants allegation of ineffective firing

have been leveled wherein no member from the police party was injured. Allegedly in the encounter police mobile was hit by firing of the accused but no forensic report in this regard has been obtained. There is no previous record showing applicants' involvement in any criminal case. Further the case has been challaned, and applicants are no more required for further investigation. In the circumstances, applicants have been able to make out a case for grant of bail. Accordingly, this application is allowed and applicants are granted bail subject to their furnishing a solvent surety in the sum of Rs.2,00,000/ (Rupees two lac) each with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

6. The bail application is disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

Judge

Judge

Rafiq P.A.