

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No.2067 of 2020

Date *Order with signature of Judge*

For hearing of Bail Application.

01.03.2021

Mr. Liaquat Ali Khan, Advocate for the Applicant.
Mr. Muntazir Mehdi, Addl. Prosecutor General, Sindh along with
I.O/SIP Rao Zulfiqar and SIP Amanullah of P.S Korangi, Karachi.

ORDER

Muhammad Saleem Jessar, J:- Through this bail application, Applicant Shahzad Ali alias Sajju seeks his release on post arrest bail in Crime No.274/2020 of P.S Korangi, under Section 395 PPC. The applicant preferred his bail plea before the first forum, which was turned down by means of order dated 21.10.2020; hence, he has approached to this Court through this Application.

Since the facts of the prosecution case are already mentioned in the FIR as well as impugned order, which are annexed with Court file, therefore, there is no need to reproduce the same.

Learned counsel for the applicant submits that name of applicant does not transpire in the FIR; besides, after his arrest he was not subjected to identification parade. Next submits that per FIR complainant had identified co-accused Imtiaz (since deceased) and later lodged instant FIR against unknown culprits. Next submits that indeed he had got quarrel with Ranger personnels, who had taken away him from the home and arrayed him as an accused in crime No.332/2020 of P.S Korangi, under Section 6/9 of CNS Act 1997 and later he was shown involved in this case also. He further submits that nothing incriminating has been shown to have been recovered from his possession. He next submits that after his illegal arrest by the Ranger officials, mother of the applicant filed Criminal Misc. Application No.156/2019 before the Court of Sessions Judge, Karachi (East) on 22.09.2019 so also C.P No.S-9018/2018 before this Court. He further submits

that applicant is the son of martyred police official and has been made victim by the local police at the behest of Ranger officials who have got grudge with him on petty matters being his muhalla-mates. Hence, he submits that case against him is of further inquiry.

Learned Addl. P.G, Sindh, in view of above submissions made by learned counsel for applicant as well as on the ground, the applicant was not subjected to identification parade, besides, nothing has been shown recovered from his possession, does not oppose the bail application.

Heard arguments, record perused. Admittedly, name of the applicant does not find place in the FIR; besides, he was arrayed by the police under Crime No. 332/2020 of P.S Korangi, under Section 6/9 of CNS Act 1997 and during his confinement with police in connection with said FIR, he was implicated by the present I.O in this case at the behest of complainant who seems to be tout of the police. Though the complainant, as admitted by him in his FIR, had identified deceased co-accused Imtiaz; however, had not identified present applicant in this case through proper legal course. Nothing has been shown to have been recovered from applicant which may connect him with commission of present offence. In such a situation when prosecution has failed to bring charge against accused on the basis of concrete material or the evidence, case against applicant requires further inquiry. Consequently, instant bail application is hereby allowed. Applicant **Shahzad Ali alias Sajju son of Muhammad Shafique**, shall be released on bail subject to furnishing his solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousands Only) and PR Bond in the like amount to the satisfaction of learned trial Court.

It need not to iterate that the observation(s) made hereinabove is/are tentative in nature and shall not prejudice the case of either party during trial. However, the learned trial Court may proceed against the Applicant, if he will be found misusing the concession of bail.

This Criminal Bail Application is disposed of in the terms indicated above.

JUDGE