

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

**Criminal Bail Application No. 2445 of 2021**

Applicant : Imran Shah s/o Hidayatullah, through  
Mr. Abdul Naeem A. Qureshi, Advocate

Respondent : The State, through Mr. Faheem Hussain  
Panhwar, D.P.G., Sindh

Date of hearing : 26.01.2022  
Date of order : 10.02.2022

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**ORDER**  
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**ZAFAR AHMED RAJPUT, J:-** Applicant/accused Imran Shah s/o Hidayatullah being abortive to get the concession of post-arrest bail in Cr. Bail Application No. 5411/2021 from the Court of learned Sessions Judge Malir, Karachi vide order dated 11.12.2021, through this application seeks the same concession from this Court in Crime/FIR No. 637 of 2021, registered under sections 411, 412, 413/34, P.P.C. at Police Station Malir, Karachi.

2. Allegations against the applicant is that he habitually receives and deals in stolen property and, on 05.11.2021 at 12:35 a.m., he was arrested beneath Malir 15, Bridge by a police party headed by ASI Manzoor Ahmed Chandio on being found retaining 84 stolen/robbed mobile phones and tablets of various companies, as per details mentioned in the F.I.R., for which he was booked in the aforesaid F.I.R.

3. Learned counsel for the applicant has mainly contended that the applicant is innocent and has falsely been implicated in this case by the police; that the applicant is a shop keeper and deals in used and new mobile phones and repairs out of order mobile phones and runs his business in the name and style of 'Mr. Phone' in Shop No. F-5, Amma Tower, Saddar; that on 31.10.2021 police forcibly took the applicant with them from his shop in presence of several persons and such video recording is available and seized 110 mobile phones of different

companies and models but showed seizing of only 84 mobile phones and tablets in the F.I.R.; that police has submitted the challan against the applicant under section 412, P.P.C.; however, his guilt requires further inquiry.

4. On the other hand, learned DPG has vehemently opposed this application on the grounds that the applicant deals in stolen and robbed mobile phones and tablets and police has recovered 84 stolen and robbed mobile phones and tablets from his possession which he has dishonestly purchased from robbers and dacoits; hence, he is not entitled for the concession of bail.

5. Hear, record perused.

6. Police has already submitted the challan against the applicant; hence, he is no more required by the police for further investigation. Applicant is not a previous convict. It appears the applicant has been arrested on the allegation that he habitually receives and deals in stolen property and he was arrested by the police on being found in possession of 84 stolen/robbed mobile phones and tablets. However, it does not reflect from the F.I.R. as to from whose possession the alleged recovered mobile phones and tablets were snatched or robbed and from whom the applicant purchased the same. Prima facie, nothing is on record to establish the guilt of the applicant under section 412 and 413, P.P.C., which provide punishment with imprisonment for life or rigorous imprisonment for 10 years for, respectively, dishonestly receiving stolen property, knowingly that it was obtained by dacoity and for habitually dealing in stolen property. As such, trial Court is required to determine as to whether the alleged offence of retaining stolen property falls within the ambit of section 411 or 412 & 413, P.P.C.

7. Keeping in view the circumstances discussed above, it is a case of further inquiry as contemplated under sub-section (2) of Section 497, Cr.P.C. Accordingly, I admit the applicant to post-arrest bail in aforesaid crime/offence

subject to furnishing by him solvent surety in the sum of Rs. 1,00,000/- (*Rupees One Lac only*) and PR bond in the like amount to the satisfaction of the trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits. In case the applicant misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law.

JUDGE

*Athar Zai*