

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No. 42 of 2022

Date	Order with Signature(s) of Judge(s)
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For hearing of bail application.

14.02.2022

Mr. Dur Muhammad Mallah, Advocate for
applicant/accused.

Ms. Rahat Ehsan, Additional Prosecutor General.

Through instant criminal bail application, applicant/accused Dawood s/o. Haji Moosa seeks post arrest bail in Crime No. 475 of 2021, registered under Section 397/34, P.P.C., at P.S. Sachal, Karachi. His earlier application for the same concession in Session case No. 1462 of 2021 was heard and dismissed by the learned Vth Additional Sessions Judge, Malir, Karachi, vide order dated 22nd November, 2021.

2. It is alleged that on 21.03.2021 at 1645 hours at main superhighway in front of Total petrol pump, two unknown persons riding on a motorcycle duly armed with deadly weapons, robbed from complainant Abbas Ali s/o. Muhammad Naseem his mobile phone Redme Smart, original CNIC, driving licence, registration card of motorcycle, two ATM cards and cash Rs.15,000.00 for that the aforementioned F.I.R. was recorded.

3. Heard the learned counsel for the applicant as well as learned Additional Prosecutor General and perused the material available on record.

4. It is an admitted position that prior to lodging of aforementioned F.I.R. the applicant was already arrested on 21.03.2021 in Crime No. 88/2021 registered under section 392/34 P.P.C. at P.S. F.B. Area, Karachi and the instant F.I.R. was lodged with delay of about 22 hours after the arrest of the applicant in said crime. It is also an admitted position that no identification test of the applicant has been conducted by the police to identify, if he was one of the two persons, who allegedly committed robbery from the complainant.

Hence, his guilt is yet to be² established at the trial. Moreover, the applicant is behind the bars since 21.03.2021; police has already submitted challan against him; therefore, his custody is no more required by the police. The applicant cannot be kept behind he bars for an indefinite period. Accordingly, the instant application is allowed, and in result thereof the applicant is admitted 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 Hundred Thousand only*) and PR bond in the like amount to the satisfaction of the trial Court.

5. 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. However, 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.

The instant Cr. Bail Application stands disposed of.

JUDGE

Athar Zai