

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.

Cr. Bail Appln. No. S- 405 of 2019

Date	Order with Signature of Honourable Judge
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For hearing of bail application
(Notice issued)

08.11.2019

Mr. Rukhsar Ahmed M.Junejo Advocate for the Applicant
Mr. Khalil Ahmed Maitlo, DPG for the State a/w complainant
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AFTAB AHMED GORAR, J: Through instant Criminal Bail Application, the applicant/accused Bilawal alias Asif Ali S/o Imamuddin alias Waledino Jatoi, seeks post-arrest bail in Crime No.11 of 2019 registered at Police Station Raza Goth, District Sukkur for offences punishable under Sections 395, 506/2, 148,149 PPC r/w Section 17(3) H.O.

2. Learned counsel for the applicant/accused contended that the case is false and the applicant/accused has been falsely implicated by the complainant in this case; that there is inordinate and unexplained delay of about 07 hours in lodgment of the FIR, therefore, the false implication of the applicant/accused cannot be ruled-out; that the alleged offence does not fall within the prohibitory clause of Section 497 Cr.PC; that the applicant/accused was arrested on 07.7.2019 and since then he is custody and yet the trial has not been commenced. He lastly prayed that the case of the applicant/accused in such circumstances requires further inquiry and he is entitled for the concession of bail.

3. Learned DPG for the State has vehemently opposed for grant of bail to the applicant/accused by stating that this is a day time incident and the delay has been properly explained in the FIR; that the applicant/accused has been arrested on 07.7.2019 and the recovery of the robbed goats has been affected from his possession;

that except the present applicant/accused all the remaining accused persons are absconding. In such circumstances, no case for bail is made out by the applicant/accused, therefore, the bail application may be dismissed.

4. I have heard the learned counsel for the applicant/accused, learned DPG for the State and perused the record. The perusal of the record reveals that the name of the applicant/accused is mentioned in the FIR, whereas, the alleged incident has taken place in the day time at about 11:00 a.m, when the present applicant/accused along with a large number of accused persons duly armed with weapons assaulted and robbed the complainant of his cattle i.e. four Buffaloes and four Goats. The present applicant/accused was arrested on 07.7.2019 when the alleged three robbed Goats were recovered from his possession. The Section 395 PPC is punishable upto ten years, therefore, falls within the prohibitory clause of Section 497 Cr.P.C. In such circumstances, the applicant/accused has failed to make-out a case for grant of bail. Accordingly, the bail application is dismissed. The observations made herein above are tentative in nature and will not prejudice the case of either party.

Judge

ARBROHI