

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

Criminal Bail Application No.S-440 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections.
	2. For hearing of main case.

27.05.2022

Mr. Muhammad Nazar Siyal, Advocate for applicants.
Ms. Sana Memon, Assistant Prosecutor General, Sindh.

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Irshad Ali Shah J.- It is alleged that the applicants with rest of the culprits committed robbery at the petrol pump of complainant Muhammad Khan, for that the present case was registered.

2. The applicants on having been refused post-arrest bail by learned IIIrd Additional Sessions Judge, Hyderabad have sought for same from this Court by way of instant application u/s: 497 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the police on account of filing an application u/s: 491 Cr.P.C otherwise they have nothing to do with the alleged incident, therefore, they are entitled to be released on bail on point of further inquiry.

4. Despite service of notice, none has come forward to advance arguments on behalf of the complainant. However, learned Assistant Prosecutor General, Sindh, for the State has opposed to release of the applicants on bail by contending that they are hardened criminals of the area.

5. Heard arguments and perused the record.

6. The names and description of the applicants are not appearing in F.I.R and they have been involved in commission of incident on the basis of further statement of the complainant, which could hardly be treated as a part of F.I.R. No identification parade of the applicants has taken place. There is no recovery of any robbed article from the applicants. The case has finally been challaned and there is no apprehension of tampering with the evidence on the part of the applicants, who are said to be in custody for more than three months without effective progress in their trial. In these circumstances, a case for release of the applicants on bail on point of further inquiry obviously is made out.

7. In view of above, the applicants are admitted to post arrest bail subject to their furnishing solvent surety in the sum of Rs.100,000/- each and P.R bonds in the like amount to the satisfaction of learned trial court.

8. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish*