

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B. A. No. 984 of 2022
(*Sarfaraz vs. The State*)

DATE ORDER WITH SIGNATURE OF JUDGE(s)

For hearing of bail application

14.07.2022

Mr. Sanaullah Daudani, advocate for the applicant
Mr. Zahoor Shah Addl. P.G for the State

Irshad Ali Shah J.—It is alleged that the truck together with its load when was proceeding to its destination was robbed by unknown culprits for that the present case was registered. On investigation, the applicant was found involved in the said incident, for that he was booked and reported upon.

The applicant on having refused bail by learned Sessions Judge Malir has sought for the same from this Court by way of instant bail application under section 497 Cr.PC.

It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police otherwise he has nothing to do with the alleged incident; complainant Mahar Ali has already recorded no objection to grant of bail to the applicant by filing his affidavit before learned trial court; co-accused Shahzaib and Sajid Ali have already been admitted to bail by this Court, therefore, the applicant is entitled to be released on bail on the point of further inquiry.

None has come forward to advance arguments on behalf of the complainant, however, learned Addl.P.G. for the State has opposed to release of the applicant on bail by contending that the recovery of robbed articles has been affected from his possession.

Heard argument. Perused record.

Admittedly the applicant is not named in FIR, he has been involved in the commission of the incident on the basis of recovery of the robbed articles from godown of factory allegedly in his possession, which is owned by someone else; such recovery too has been affected in presence of police personnel which appears to be significant. The complainant has already recorded no objection to grant of bail to the applicant by filing of his affidavit before the learned trial Court. The case has finally been challaned and there is no apprehension of tampering with the evidence on the part of the applicant. In these circumstances, a case for release of the applicant on bail on the point of further inquiry obviously is made out.

In view of above, the applicant is admitted to bail, subject to his furnishing surety in sum of Rs.100,000/- (Rupees One Lac Only) and P.R. bond in the like amount to the satisfaction of learned trial Court.

The instant bail application is disposed of accordingly.

J U D G E