

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
**Criminal Bail Application No. 810 of 2022**

Date	Order with signature of Judge
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*For hearing of Bail Application.*

**18.07.2022**

Mr. Shamraiz Tanoli, Advocate for the Applicant.  
Mr. Talib Ali Memon, Assistant Prosecutor General, Sindh.  
Mr. Taj Fareen Khan, Advocate for the Complainant.

**ORDER**

**Muhammad Saleem Jessar, J:-** Through this bail application, Applicant Shah Sawar seeks his release on post arrest bail in Crime No.117/2022 of P.S Peerabad, Karachi under Section 392/397/34/201/202/411 PPC. The applicant preferred his bail plea before the first forum, which was turned down by means of order dated 16.04.2022; hence, he has approached to this Court through this Application.

Since the facts of the prosecution case are already mentioned in the FIR, which are annexed with Court files, therefore, there is no need to reproduce the same.

Learned counsel for the applicant submits that name of the applicant is not transpiring in the FIR; however, the recovery of alleged rickshaw/motorcycle has been shown to have been recovered from the applicant, which according to him, was foisted upon him; hence, case against applicant requires further inquiry. He, therefore, prays for grant of bail.

Learned Assistant P.G, Sindh appearing for the State submits that applicant Shah Sawar was arrested along with robbed rickshaw, therefore, he is not entitled for bail as the offence with which he stands charged, carries maximum punishment.

Learned counsel for the complainant, while adopting arguments advanced by learned Assistant P.G, Sindh, opposes the bail application and submits that applicant is not proceeding with the trial except pressing this bail application which has already been declined by the trial Court and that the recovery of alleged robbed article has been shown to have been recovered from his possession; hence, he is not entitled for bail.

**Heard arguments and perused record.** No doubt, name of the applicant is not transpiring in the FIR; however, the contention raised by learned counsel for the applicant, that he was not subjected to any identification parade is concerned, same carries not weight as the robbed articles has been shown to have been recovered from his possession, therefore, in such eventuality identification of the accused was not necessary. The offence with which applicant has been charged, carries maximum punishment and does fall within the ambit of prohibitory clause of section 497 Cr.P.C. The best course for the applicant is to proceed with the trial instead to press this bail application.

The upshot of above discussion is that applicant has failed to make out a good prima facie case for further inquiry. Accordingly, the bail application is hereby dismissed. The trial Court is hereby directed expedite the trial and conclude it within shortest possible time under intimation to this Court through MIT-II.

Let copy of this Order be communicated to trial Court through learned Sessions Judge, concerned. Learned MIT-II to ensure compliance.

JUDGE

Zulfiqar/P.A