

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Bail Application No. 2406 of 2021

Date	Order with signature of Judge
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For hearing of bail application

Date of hearing: 14.03.2022.

Date of order: 14.03.2022

APPEARANCE:

Mr. Shams-ul-Hadi, advocate for the applicant

Ms. Rahat Ehsan Additional P.G Sindh

Salahuddin Panhwar, J.- Briefly according to prosecution case, on 05.12.2021 at about 12:15 a.m. complainant while going to home on motorcycle was intercepted by four accused persons on two motorcycles, who, on the force of weapons, snatched his mobile phone and ran away. Complainant chased them and while accused were looting another person, he caught hold two accused persons sitting on the back seats of motorcycles. In the meanwhile, police arrived there. The companions of apprehended accused ran away on their motorcycles. On query, apprehended accused disclosed their names as Abdullah alias Yaqoob and Adam Khan and names of their companions as Muhammad Aka Khel and Sami Aka Khel. On personal search, from possession of both the accused, mobiles phones of complainant and Sadam were recovered. Thereafter, accused were brought at police station where FIR No.1032/21 u/s 397 PPC at P.S Sohrab Goth was registered against them.

2. Heard. Record perused.

3. Admittedly the applicant is juvenile and is aged about 16 years. Section 6 of the Juvenile Justice System Act, 2018 deals with release of a juvenile on bail. Under Clause (3) of Section 6 of the Act 2018, it is provided that where a juvenile is arrested of a minor or a major offence, he shall be treated as if he was accused of commission of bailable offence. The definition of major offence is provided under Section 2(m) of the Act 2018, which shows that major offence means an offence for which punishment is more than three years and up to seven years imprisonment with or without fine. The applicant is charged for an offence punishable

under Section 397 PPC, which carries imprisonment upto seven years, hence the applicant/accused is to be treated as an accused of commission of bailable offence for the purpose of his release on bail. The Honourable apex Court in a celebrated judgment reported as **Tariq Bashir and 5 others vs. The State (PLD 1995 S.C 34)** has held that grant of bail in bailable offence is a right while in non-bailable offences is concession/grace. The applicant/accused is in jail since last more than three months and is no more required for investigation, moreover, nothing on record that present applicant is previous convict or he has remained indulge in any other identical case in past.

4. For the foregoing reasons, the applicant is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/-(Rupees Fifty Thousand Only) and P.R Bond in the like amount to the satisfaction of trial Court.

5. These are the reasons for the short order announced on 11.03.2022. Needless to mention here that any observations hereinabove in this order is tentative in nature and shall not effect the merits of the case.

J U D G E

Sajid.