

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S- 577 of 2020

Date

Order with Signature of Hon'ble Judge

For hearing of bail application

02.11.2020

Mr. Shabbir Ali Bozdar Advocate for the Applicant/accused
Mr. Zulfiqar Ali Jatoi, Additional PG for the State

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ORDER

Aftab Ahmed Gorar, J;- Through instant Criminal Bail Application, the applicant/accused Jeewan S/o Gulsher, Tart, seeks post-arrest bail in Crime No.100 of 2020 registered at Police Station, Ubauro, District Ghotki, for offences punishable under Section 25 Sindh Arms Act-2013.

2. It is alleged that the present applicant/accused on 29.07.2020 at 0430 hours was apprehended by the police / complainant party after an encounter with the culprits along with the Kalashnikov for which he could not produce any valid license / permit, hence the instant FIR was registered against him.

3. The applicant/accused on having been refused post-arrest bail by the Court of learned Additional Sessions Judge / (MCTC) Ubauro vide order dated 28.08.2020, has sought the same from this Court by filing the present bail application.

4. It is contended by learned counsel for the applicant/accused that applicant/accused being innocent has been involved in this case falsely by the police; that the applicant/accused was picked up by the police from his house and then he was falsely implicated in this case by foisting the alleged *kalashnikov* upon him; that all the PWs / mashirs are police officials; that the applicant/accused has been granted post-arrest bail in the main case Crime No.100/2020 of Police Station Ubauro, therefore, he is also entitled for concession of bail in the present case; that the case has been challaned and the applicant/accused is no more required for further investigation, hence he is entitled to grant of bail.

5. Learned Additional PG for the State opposed for grant of bail to the applicant/accused by contending that the applicant/accused was arrested at the spot and *kalashnikov* was recovered from his possession.

6. I have heard the learned counsel for the applicant/accused, learned Additional PG for the State and perused the record. Admittedly, this is an offshoot case of the main Crime No.100/2020 registered at the same Police Station in which the applicant/accused has been admitted to bail by this Court vide order dated 02.11.2020 passed in Criminal Bail Application No.S-578/2020, therefore, keeping the applicant/accused in further incarceration would serve

no purpose, hence he is also entitled to grant of bail in the present case. More so, all the P.Ws are police officials, therefore, there is no likelihood of tampering of their evidence. The case has been challaned and the applicant/accused is no more required for further investigation. In these circumstances, the learned counsel for the applicant/accused has rightly contended that the applicant/accused is entitled to grant of bail on point of further enquiry, as envisaged under Section (2) of Section 497 Cr.P.C.

7. In view of above and by short order dated 02.11.2020, the applicant/accused was admitted to post-arrest bail subject to his furnishing surety in sum of ***Rs.100,000/- (One lac)*** and PR bond in the like amount to the satisfaction of learned trial Court. These are the reasons for the same.

8. The observations made herein above are tentative in nature and will prejudice the case of either party at trial.

Judge

ARBROHI