

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appln No. 1804 of 2021

Date	Order with signature of Judge
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For hearing of bail application

20.10.2021

Mr. Mumtaz Ali Khan Deshmukh, advocate for the applicant
Mr. Abrar Ali Khichi, DPG

Through this bail application, applicant Rabnawaz son of Javed seeks bail in Crime No.976 of 2020 registered at Police Station Surjani Town, Karachi for offences punishable under Sections 392/397/34 PPC.

2. Learned Counsel for the applicant submitted that the applicant is innocent and has falsely been implicated in this case. He further contended that there is inordinate delay of 22 days in lodging the FIR. He also contended that the name of the applicant does not appear in the FIR nor any specific role has been assigned to the applicant. He submitted that no identification parade of the applicant was held. He further submitted that accused is behind the bars since 19.11.2020 and not a single witness has been examined by the learned trial Court. He also submitted that the alleged offence does not fall under the prohibitory clause of 497 Cr. P.C. He prayed that the applicant may be released on bail for which the applicant is ready to furnish a solvent surety.

3. Learned Deputy Prosecutor General has opposed the bail and submitted that the applicant is involved in a heinous offence of dacoity, which offence does not only deprive a person from his valuables rather it effects the society overall so also lives of general public. He further contended that the applicant has failed to make out a prima facie case in his favour therefore he does not deserve any

leniency and as such prays that the bail application of the applicant may be dismissed.

4. I have heard the learned Counsel for the applicant, learned Deputy Prosecutor General and perused the record available before me.

5. Perusal of record reveals that the motorcycle of the complainant was snatched on gunpoint by unknown accused on 28.10.2020 within the local limits of Police Station Surjani Town which was reported in Police Station and investigation was handed over to AVLAC/CIA Orangi Town. During investigation on 19.11.2020 the I.O. received information that during patrolling HC Aamir Ashraf of Police Station New Karachi arrested applicant/accused Rab Nawaz son of Javed under section 54 Cr.P.C. from whose possession motorcycle of complainant was recovered. The I.O after fulfilling all codal formalities booked the applicant in the instant case. Learned Counsel for the applicant was asked as to how he would justify the recovery of snatched motorcycle of the complainant from the applicant, he was unable to answer the query. Since recovery of snatched motorcycle was admittedly affected from the possession of the applicant, which is not rebutted in any manner to make out a prima facie case for further inquiry and as such unless some evidence is recorded, it would be premature stage to consider the bail application of the applicant.

In view of above discussion, the bail application stands dismissed.

JUDGE