

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Cr. Bail Appln No. 268 of 2020

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Date:	Order with signature of Judge
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For hearing of bail application

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30.3.2020

Mr. Amir Nawaz Waraich, Advocate for applicant  
Mr. Zafar Ahmed Khan, APG  
.X.X.X.X.

Through this bail application, applicant Muhammad Rashid son of Muhammad Akram assailed the bail order dated 20.2.2020 passed by the learned Xth Additional District & Sessions Judge, Karachi (East) in case FIR No.50 of 2020 under Section 392/34 PPC registered at Police Station Zaman Town, Karachi.

Learned counsel for the applicant contended that the applicant is innocent and has falsely been implicated by the complainant with malafide intentions. He further contended that no recovery has been made from the possession of applicant. He also submitted that the FIR was lodged with a delay of more than one month for which no plausible reason was given. He further submitted that the reported offence does not fall within the prohibitory clause of 497 Cr. P.C. He therefore, prayed that the applicant may be enlarged on bail.

Learned Additional Prosecutor General submitted that applicant is involved in an offence of snatching a mobile and valuables from the complainant which is a poison which hits the routine life of society and that since these offences are common in society now a days which creates fear in general public to go out. He further submitted that though the offence does not fall within the prohibitory clause, however it would be dangerous if accused of such offence is allowed bail to roam in the streets as they would again do the same acts. He also submitted that the applicant has been identified by the

complainant and no enmity or hatred of whatsoever nature has been established by the applicant against the complainant. He therefore, submitted that the applicant is not entitled for any concession.

I have heard the arguments of learned Counsel for the applicant, the learned Additional Prosecutor General and have gone through the record.

Perusal of record reveals that no recovery has been made from the possession of applicant. Admittedly there is a delay of one and half months in lodging the FIR without any convincing reason. As far as the reason given by the complainant for delay in lodging the FIR was that soon after the incident instead of lodging FIR, he had left for Punjab, which does not seem to be a cogent reason and does not appeal to a prudent mind that a man who was allegedly robbed has instead of reporting the offence to Police had left the province whereas he has also not mentioned the nature of urgency for leaving the city without lodging FIR. Furthermore the time of incident was shown as odd hours of night and it is not mentioned in the FIR that at those odd hours of night what was the reason of complainant's going out and where. Record further reveals that the applicant was arrested on 28.1.2020 whereas the identification parade was held on 03.2.2020 after about six days. The discussion made above makes out a case of further enquiry as the involvement of applicant in the offence is yet to be established through evidence. I, therefore, admit the applicant to bail subject to his furnishing solvent surety in the sum of Rs.100,000/- and PR. Bond in the like amount to the satisfaction of the Nazir of trial Court.

The bail application stands disposed of in the above terms.

Judge