

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appln No. 1687 of 2021

Date	Order with signature of Judge
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For hearing of bail application

22.11.2021

Rana Muhammad Arshad, advocate for the applicant
Ms. Rubina Qadir, DPG

Through this bail application, applicant Bashrat Ali of Ameer Ali has assailed the legality and propriety of order dated 24.08.2021 passed by XIIth learned Additional Sessions Judge Karachi (West), on Cr. Bail Application No.4053 of 2021 filed under Crime No.450 of 2021 registered at Police Station Gulshan-e-Maymar, Karachi for offences punishable under Sections 392/397 PPC, whereby after hearing the parties, dismissed the bail plea of the applicant.

2. It is contended by the learned Counsel for the applicant that the applicant is innocent and has falsely been implicated in this case by the complainant with malafide intention and ulterior motives. He further contended that no prima facie case is made out against the applicant as though this is a case of looting cell phone however, nothing has been recovered from the possession of the applicant. He also contended that features of the accused given in the FIR are totally different from the features of applicant. He submitted that the applicant was not arrested on the spot by the police hence he submitted that this is a fit case for grant of bail.

3. Learned DPG objected to the grant of bail and submitted that this is a heinous case of robbery, which indirectly affects smooth life of society. She further added that the complainant himself not only identified the applicant but produced him before the police to be a culprit of the incident. She further submitted that there is no animosity

between the applicant and the complainant party. She then submitted that the bail may be declined to the applicant.

4. I have heard the learned Counsel for the applicant, learned DPG as well as perused the material available on record.

5. Admittedly, even this is a case of alleged to robbery where the complainant has claimed that he himself produced the applicant before the Police who was subsequently arrested. However, a bare perusal of the record shows that neither any recovery is made from the applicant nor there is any independent witness. Apart from the above, learned Counsel for the applicant has placed on record test report of the applicant to show that he is seriously ill. Hence, in view of the above circumstances, apart from the fact of making a case of further inquiry, in my opinion, the applicant is also entitled for bail on the ground of his ill health. The applicant is therefore, admitted to bail subject to her furnishing surety in the sum of Rs.100,000/- (Rupees One Lac) and P.R. bond in the like amount to the satisfaction of the Nazir of trial Court.

6. The trial Court is directed to examine the complainant at earliest date to bring the truth on record.

7. The bail application stands disposed of in the above terms.

JUDGE