

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appln No. 2002 of 2021

Date	Order with signature of Judge
------	-------------------------------

For hearing of bail application

09.12.2021

Mr. Qadir Buksh Jarwar, advocate for the applicant
Mr. Talib Ali Memon, APG a/w PI Mumtaz Ali Brohi, SHO
Gharo PS

AFTAB AHMED GORAR,J: Applicant Abdul Aziz son of Usman is booked in case Crime NO.148/2021 registered with Police Station Gharo, Karachi under section 392/397 PPC approached this Court by filing the captioned application for pre-arrest bail. The applicant was granted interim pre-arrest bail vide order dated 26.10.2021 and today it is fixed for confirmation or otherwise.

2. Learned Counsel for the applicant submits 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 incident took place on 04.08.2021 whereas FIR was lodged on 10.09.2021 with inordinate delay of more than a month to which no plausible explanation is given by complainant. He also contended that no independent person was made witness to the incident though the place of incident is densely populated area. He lastly added that the applicant is regularly appearing before the trial Court hence the interim pre-arrest bail granted to the applicant on 26.10.2021 may be confirmed.

3. Learned APG opposed the confirmation of bail and submitted that the applicant committed a heinous offence of snatching valuables from the complainant. He further submitted that the applicant is required for investigation as recovery of robbed money as well as crime weapon has yet to be made from his possession therefore, it is settled

principle of law that in case the recovery of crime weapon is needed to be made from the accused, he could not be enlarged on bail at that stage. He in this regard relied upon the judgments passed by the Hon'ble Supreme Court in this regard in the cases reported as **2020 SCMR 13 and 2021 SCMR 449**. He therefore, prays that the order of pre-arrest interim bail dated 26.10.2021 may be recalled.

4. I have heard the learned Counsel for the applicant, learned A.P.G and perused the record available before me.

5. Though the applicant was not arrested at the spot and made his escape good from crime scene, however he was identified by the complainant and witnesses in the FIR. Record further reveals that specific role of snatching Rs.500,000/- from the complainant has also been assigned to the applicant. During robbery co-accused injured the complainant. The charge sheet filed by the I.O shows that applicant has not joined the investigation. The offence is a heinous one of showing off men power to deprive the people from their valuables hence unless some exonerative evidence comes on record in respect of the assigned role of applicant, at this stage prima facie no case of further enquiry is made out.

6. It is well settled principle of law that the Court has to observe the tentative assessment while deciding the bail applications, thus taking a tentative assessment of the available record, the applicant being prima facie linked with the commission of offence is held disentitled to the concession of bail, the interim pre-arrest bail granted to the applicant vide order dated 26.10.2021 is therefore, recalled. The I.O is present in Court and set at liberty to arrest the applicant for interrogation.

7. The observations made herein above are tentative in nature and should in no way prejudice/influence the proceedings before the

learned trial Court where the case of the applicant be decided on its own merits according to law.

8. The SHO Police Station Gharo is present and submits reply of show cause notice along with some documents as well as compliance report, which are taken on record. The show cause notice issued to the SHO Gharo is hereby vacated and he is warned to be careful in future.

9. This criminal bail application stands disposed of in the above terms.

JUDGE