

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appln No.1197 of 2021

Date	Order with signature of Judge
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For hearing of bail application

11.08.2021

Mr. Liaqut Ali Khan, Advocate for the applicant
Mr. Siraj Ali, A.P.G. along with Inspector Muhammad
Shahid Ali of PS Sharahe Faisal

Through this bail application, applicant Muhammad Ehsan son of Gul Hassan assailed the bail order dated 12.06.2021 passed by the learned Sessions Judge, Karachi (East) in case FIR No.655 of 2021 under Sections 353/324/186/34 PPC registered at Police Station Korangi Industrial Area, Karachi.

Learned counsel for the applicant contended that the applicant is innocent and has falsely been implicated. He further contended that though the applicant/accused is alleged to have been arrested in a broad day light while he was robbing the people at Korangi Crossing Nadi and mobiles phones were also claimed to have been recovered from his possession, however the police did not take any effort to site any private person as a witness, which is sheer violation of Section 103 Cr.P.C. He has further contended that the Police arrested the applicant on 15.5.2021 from his house and thereafter demanded bribery and since the applicant could not fulfil their demand hence the applicant has falsely been implicated by the Police. He also contended that neither the applicant is nominated in the FIR nor any identification parade of the applicant was made as required under the law. He further submitted that a case of further enquiry is made and therefore, prayed that the applicant may be enlarged on bail.

On the other hand learned Assistant Prosecutor General submitted that the applicant was arrested from the spot while he was committing

robbery and two cell phones as well as a pistol of 30 bore was also recovered from his possession. He submitted that applicant does not deserve any leniency since he was arrested at the spot while committing robbery. He further submitted that the applicant is therefore not entitled for any concession.

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

Perusal of record reveals that though the Police officers claimed to have arrested the applicant at the spot while committing robbery in a broad day light, however the Police neither lodged any FIR nor took any effort to site any private person, who lost their valuables, as a witness to the incident, even the FIR was lodged by the Police by himself despite the fact that two snatched mobile cell phones were claimed to have been recovered from the possession of the applicant. There is yet no direct evidence against the applicant to connect him with the case of robbery. As per prosecution case no one received any injury during exchange of firing from the side of Police. I am, therefore, of the view that a case of further enquiry is made out and unless some direct evidence comes on record, the applicant cannot be kept behind bars for indefinite period as the involvement of applicant in the offence is yet to be established. I, therefore, admit the applicant to bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and P.R. 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