

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No.258 of 2013

Order with Signature of Judge(s)

1. For orders on M.A. No. 2192 of 2013.
2. For hearing.

25.04.2013.

Mr. Muhammad Nadeem Baloch, Advocate for Applicant.
Mr. Ejaz Ahmed Bangash, Advocate for Complainant alongwith Ms.
Urooj Ikhlq, Advocate.
Ms. Akhtar Rehana, Addl. P.G.

The applicant alongwith others has been indicted in crime No. 689 of 2012 at P.S. Sohrab Goth, registered under section 392/34 P.P.C. Since the bail plea of the applicant has been turned down by the trial Court vide order dated 19.02.2013, therefore, through instant application he seeks concession of post arrest bail.

In brief relevant facts of the prosecution case are that on 19.09.2012 driver of vehicle Shazore bearing registration No. KN-4754 left godown for Airport, loaded with 1200 KG Mangoes, at about 1030 hours, when he reached near under construction Madarsa KDA Road, four persons emerged out and stopped on gun point, they got de-boarded the complainant and Munshi Imran from the vehicle where they remained under the control of armed assailant for about 15 minutes and one of the accused persons drove away the vehicle towards superhighway; later on they informed the owner about the incident and ultimately lodged report.

It is, inter alia, contended by the learned counsel that the applicant is innocent and has nothing to do with the alleged incident. Per learned counsel neither the alleged incident had ever taken place nor the applicant had any nexus with the aforesaid offence, in fact he was driver of the complainant party and due to dispute in respect of salaries he has been booked in this concocted case. It is lastly contended that the offence does not fall within prohibitory clause of section 497 Cr.P.C. and in such like cases grant of bail is a rule and refusal in an exception. He further went on to say that in respect of same occurrence the applicant has been booked in crime No.185/12, under section 412 PPC of P.S. Gadap City, Karachi, hence, the applicant deserves the concession of bail on the ground that he cannot be convicted twice for the same offence. In support of his contention he relied upon the decisions reported as 2003 SD 554 in the case of *SHAUKAT ALI ALIAS TAYYAB ALI, ETC V. THE STATE*.

Conversely, Ms. Akhtar Rehana, Additional Prosecutor General, assisted by Mr. Ejaz Muhammad Bungash, learned counsel for the complainant, opposed the application on the ground that robbed vehicle alongwith loaded mangoes has been recovered from the possession of the applicant besides he is involved in a number of similar cases. In support of their arguments they submitted photocopy of FIR in Crime No. 693 of 2012 at P.S. Sohrab Goth.

I have heard learned counsel for the parties and perused the record.

Admittedly, robbed vehicle alongwith loaded mangoes has been recovered from the possession of the applicant and he has also been booked in another case registered under section 13-D Arms Ordinance. Since the prosecution has collected the sufficient material in the shape of recovery of robbed vehicle and mangoes, in view of above, I do not find any merits in the instant bail application which is accordingly dismissed.

SAHD

JUDGE

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No.243 of 2013

Order with Signature of Judge(s)

- 3. For orders on M.A. No. 2192 of 2013.
- 4. For hearing.

25.04.2013.

Mr. Muhammad Nadeem Baloch, Advocate for Applicant.
Mr. Ejaz Ahmed Bangash, Advocate for Complainant alongwith Ms.
Urooj Ikhlq, Advocate.
Ms. Akhtar Rehana, Addl. P.G.
