

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 2457 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of bail application.

30-01-2023

Mr. Dur Muhammad Mallah, Advocate for applicant.
Mr. Talib Ali Memon, APG a/w PI Zulfiqar Ali of P.S. Boat Basin.
Complainant present in person.

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Omar Sial, J: Anees has sought post arrest bail in crime number 66 of 2022 registered under sections 392 and 397 P.P.C. on 02.02.2022 at the Boat Basin police station. Earlier, his application seeking bail was dismissed on 06.12.2022 by the learned 10th Sessions Judge, Karachi South.

2. A background to the case is that the aforementioned F.I.R. was registered on the complaint of Fatima Huzaifa. She recorded that she was a school teacher and that while she was travelling on a rickshaw 2 persons had come to the rickshaw. One, who was subsequently identified as Jibrán, took all her valuables from her, by threatening her with a pistol. The other person stood outside the rickshaw.

3. I have heard the learned counsel for the applicant as well as the learned APG. The complainant was present herself. My observations and findings are as follows.

4. The complainant herself explained as to what had transpired. A very respectable lady from a very respectable profession, I have absolutely no doubt in the truth of what she stated. She very clearly and honestly stated that she had only seen one person, later identified as Jibrán, and that she had also identified by him; however, she was not in a position to identify the other person who had accompanied Jibrán when he had robbed her as he was standing on the other side of the rickshaw, and there was a door between them. Upon query from the investigating officer of the case

whether the applicant was that “other” person, he replied that he was not but that he was told by Jibran that the applicant was also a member of that gang and at that day he was standing half a kilometer away from the scene of offence. There was no other evidence against the applicant. It seems a bit unusual and unnatural that a member of the gang would stand half a kilometer away from the place where his companions were busy robbing people. No recovery has been effected from the applicant. Per se the statement of a co-accused may not be sufficient evidence against the applicant. At this preliminary stage, it appears that the case against the applicant is one of further inquiry.

5. In view of the above, the applicant is admitted to bail subject to his furnishing 2 solvent sureties in the sum of Rs. 500,000 each and P.R. Bond(s) in the like amount to the satisfaction of the learned trial court.

JUDGE