

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No. 685 of 2022

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

24-05-2022

Mr. Nehal Khan Lashari, Advocate for applicant.
Mr. Amir Zaib, Advocate for complainant.
Mr. Talib Ali Memon, APG.

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Omar Sial, J.: Faiz Muhammad has sought post arrest bail in crime number 496 of 2021 registered under sections 395 and 109 P.P.C. at the Boat Basin police station in Karachi. Earlier, his application seeking bail was dismissed by the learned 6th Additional Sessions Judge, Karachi South on 30-10-2021.

2. A background to the case is that the aforementioned F.I.R. was registered on the complaint of Muhammad Faisal Ashraf on 12-6-2021 for an incident which had occurred earlier that day. Complainant recorded that that day his family went to Xander's Restaurant in his car which was driven by his driver Faiz Muhammad. When his family came out from the restaurant his driver and car were not available there. At about 11.30 p.m. the driver came to the complainant house and informed him that two dacoits had taken him to Northern Bypass by show of weapons alongwith car. The F.I.R. was registered again unknown persons.

3. I have heard the learned counsels for the applicant as well as complainant and Assistant Prosecutor General. My observations and findings are as follows.

4. Learned counsel for the applicant submits that the only evidence against the applicant is CCTV footage which was taken from outside the restaurant where the family of the complainant had gone to for dinner. According to the learned counsel for the complainant and learned A.P.G. the CCTV footage reflects that applicant was on friendly terms with some people who were standing next to him and who are supposed to be the accused. It is an admitted position that the CCTV footage has not been seized by the I.O. of the case. Learned counsel for the complainant has argued that the applicant kept changing his statement before

the police. None of the ground raised especially the fact that the CCTV footage has not even been seized in the investigation is sufficient to decline bail to the applicant. I would however like to observe here that in successive cases of sections 392 and 397 P.P.C. absolutely ineffective, incomplete and weak investigation is usually conducted. This is a cause of great concern as crime of similar nature has risen. The S.S.P. (Investigation) is directed to take steps so that investigation of such cases is handled in a better manner.

5. In view of the above, the case of the applicant is one of further inquiry. Accordingly, the applicant is admitted to bail subject to his furnishing a solvent surety in the sum of Rs.100,000 and a P.R. bond in the like amount to the satisfaction of learned trial court.

JUDGE