

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No. 705 of 2022

Cr. Bail Application No. 706 of 2022

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

9th May, 2022

Mr. Nasir Mehmood Awan, Advocate for applicant.
Mr. Muntazir Mehdi, DPG a/w SIP Ghulam Haider of P.S. Sachal.
Complainant present in person.

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Omar Sial, J: On 31.01.2022, Yasir Afzal, a soap supplier, was plying his Suzuki vehicle in connection with work when he was intercepted by two men on a motorcycle. One of the two men got off the motorcycle and forcibly sat on the front passenger seat of the Suzuki. The other man kept sitting on the motorcycle. Rs. 70,850 was snatched from Yasir. A passing police mobile which saw the commotion reached the spot. In a state of panic the man sitting on the motorcycle drove away while the one who had come and sat in the car was apprehended and arrested. This man was the applicant Shoqeen whereas the one who fled away was named Mehfooz. A .30 bore pistol was also recovered from the applicant. Two separate F.I.R.s were registered. F.I.R. No. 127 of 2022 was registered under section 397 and 34 P.P.C. whereas F.I.R. No. 128 of 2022 was registered under section 23(1)(a) Sindh Arms Act 2013 at the Sachal police station in Karachi.

2. Shoqeen sought post arrest bail in both cases registered against him from the court of the learned 5th Additional Sessions Judge, Malir; however was not successful and his applications were dismissed by orders dated 11.03.2022. He has therefore now approached this court seeking post arrest bail.

3. Learned counsel for the applicant argued that the applicant is absolutely innocent and in fact the Rs. 70,500 said to have been snatched from Yasir and recovered from the applicant were foisted on to the applicant; there is no independent eye witness cited; the Suzuki vehicle was not described in the F.I.R.; an identification parade was not held and that the complainant in the F.I.R. had not disclosed that a cleaner of the vehicle by the name of Muqeen Nadeem was

also accompanying him at the time of the incident. To the contrary the learned APG opposed the grant of bail and said that the complainant Yasir Afzal, who was also present in court during these proceedings, had no reason to falsely implicate the applicant.

4. I have heard the learned counsel, the learned DPG as well as the complainant of the case.

5. The complainant described what had happened that particular day and what he stated prima facie has a ring of truth to it. It seems that Yasir Afzal did not have any malafide against the applicant, who he had not even seen before that day, let alone know. Yasir also explained that he was slapped in the car by the applicant who also hit him with the butt of his pistol, however, according to Yasir it was the cleaner of the vehicle Muqeen who was severely beaten by the applicant upon Muqeen showing some resistance. Muqeen has also recorded his section 161 Cr.P.C. statement corroborating the version of the complainant. The applicant was arrested on the spot red handed in a botched up robbery attempt. In these circumstances holding an identification parade was not crucial. The money which had been snatched from Yasir Afzal was recovered from the applicant. Upon a tentative assessment it appears from the account of the complainant that the applicant also carried a pistol which was seized from him. The learned counsel did not argue that the weapon seized was a licensed weapon nor put on record any evidence which would demonstrate the same.

6. Upon a tentative assessment, it appears that the prosecution has sufficient evidence to connect the applicant with the crime alleged. It is for the foregoing reasons that both bail applications of the applicant were dismissed vide a short order dated 29.04.2022.

JUDGE