

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1891 of 2020

Date	Order with signature of Judge
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For hearing of bail application:

20-1-2021

Mr. Asadullah Memon, Advocate for applicant.
Mr. Abrar Ali Khichi, Addl.P.G.

Omar Sial, J: Abdul Jabbar has sought post arrest bail in Crime No. 66 of 2020 registered under sections 395, 353, 324 and 34 P.P.C. read with section 7 of the Anti-Terrorism Act, 1997 at the Sahil police station. Earlier, his application seeking bail was dismissed by the Learned Anti-Terrorism Court No. 1 on 29.10.2020.

2. Background to the case is that Aftab Ahmed Qureshi lodged the aforementioned FIR recording therein that on 30-6-2020 while he was asleep in his home, 3 robbers armed with pistols entered his house and intimidated him to hand over all valuables to them. Qureshi saw 2 more persons standing outside the gate of his house. The robbers inside the house locked all family members in one room, however, Qureshi's daughter was able to get in touch with one of her friends who then called the police. A police party reached the premises after which a shoot out occurred between the fleeing robbers and the police. 4 of the 5 robbers were apprehended by the police whereas one managed to escape in the get-away vehicle bearing registration number LEA-5601. The valuables that had been looted from the house of the complainant were recovered from the possession of the 4 apprehended robbers. 3 pistols were also recovered from them.

3. We have heard the learned counsel for the applicant as well the learned Addl. P.G. Our observations are as follows:

4. The applicant was the robber who had managed to escape at the time of the incident and who was identified by the co-accused. He was arrested on 9-7-2020 and the get-away car recovered from his possession.

5. Learned counsel for the applicant has argued that nothing was recovered from the applicant; that the applicant is a driver whose vehicle (the get-away car) was hired by the robbers and after he had dropped them off at the house where the robbery occurred he had driven away and hence the applicant had nothing to do with the robbery.

6. Upon a tentative assessment and at this preliminary stage we are not satisfied with the arguments raised by the learned counsel for the applicant. It will only be at trial after evidence is led that the nexus of the applicant with the get-away vehicle and the commission of the offence will be determined. Prima facie we find it odd that a Lahore registered vehicle will be used as a rental car in Karachi; that 3 armed men break into a house in the early hours of the morning while the 4th stands guard outside along with a driver of a rented vehicle, while the driver has no clue as to what is going on is a bit difficult to believe. No enmity, ill will or malice of the police has been argued by the learned counsel for the applicant in support of his case.

7. In view of the above, the bail application stands dismissed.