

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.2306 of 2022

Applicant : Shehzad Khan @ Doctor S/o Badar Munir
through Mr. Abdul Hadi, Advocate

Complainant : Muhammad Akram S/o Muhammad
Hashim present in person.

Respondent : The State
: Through Ms. Rahat Ahsan, Addl.
Prosecutor General, Sindh

Date of hearing : 02.01.2023

Date of order : 02.01.2023

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in FIR No.355/2022 registered under Sections 380/457 PPC at PS Gizri, Karachi, after his bail plea has been declined by Addl. Sessions Judge-VI, Karachi South vide order dated 08.11.2022.

2. The details and particulars of the FIR are already available in bail application and the FIR, as such, need not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused has mainly contended that the applicant/accused is innocent and has falsely been implicated in this case; that name of the applicant/accused does not transpire in the FIR and no specific role has been assigned against him; that no robbed articles have been recovered from the possession of the applicant/accused which connect him with the commission of offence. He lastly prays for grant of post-arrest bail to the applicant/accused.

4. Complainant present in person states that some robbed articles have been recovered from the possession of the applicant/accused and some are still lying with him. Whereas,

learned Addl. P.G. vehemently opposes for grant of post-arrest bail to the applicant/accused on the ground that the applicant/accused is habitual offender and is involved in as many as four cases, as such, he is not entitled for concession of bail.

5. I have heard the learned counsel for the parties and have gone through the material available on record.

6. Admittedly, the name of the applicant/accused does not find place in the FIR and no specific role has been assigned against him. However, some robbed articles were recovered from the possession of the applicant/accused, whereas, claim of the complainant is that some articles are still lying with him. Further, learned Addl. P.G. has pointed out that the applicant/accused is involved in four other cases which show that he is habitual offender. *Prima facie*, sufficient material is available on record to connect the applicant/accused with the commission of offence.

7. In view of the above, learned counsel for the applicant has failed to make out a case for grant of post-arrest bail. Accordingly, the instant Bail Application is dismissed. However, the learned trial Court is directed to expedite the matter and conclude the same preferably within forty five (45) days from the date of receipt of this order.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE

Kamran/PA