

**HIGH COURT OF SINDH, CIRCUIT COURT
AT HYDERABAD**

**Cr. Bail Application No.S-96 of 2023
Cr. Bail Application No.S-97 of 2023
[Zahid versus The State]**

Date	Order with signature of Judge
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Applicant : Through Mr. Ghulamullah Chang advocate

State : Through Ms. Safa Hisbani Assistant P.G Sindh

Date of hearing: 06.03.2023

Date of decision: 06.03.2023

KAUSAR SULTANA HUSSAIN J.- This single order will decide the fate of both captioned bail applications, as both are interlinked to each other. Both these bail applications have been directed against Order dated 10.01.2023, whereby plea raised by the applicant for the same relief was turned down by the learned trial Court.

2. Facts of the matter, as per FIRs, are that on 03.01.2023 an encounter took place between accused and patrolling police party near Abbasi Fruit Farm, finally co-accused succeeded to make their escape good, however, the police arrested the present applicant/accused in injured condition and from his possession they recovered one unlicensed .30 bore pistol, hence two separate FIRs bearing No.01 of 2023 under Section 324, 353 & 34 PPC and 02 of 2023 under Section 23-A(i) Sindh Arms Act were registered at P.S Tando Jam District Hyderabad.

3. Learned counsel for the applicant/accused contends that applicant/accused is innocent and has falsely been implicated in present crimes; that there are no grounds to believe that the applicant/accused is guilty of the offence; that no such incident had taken place and entire story is managed one; that the case property has been foisted upon the applicant/accused; that though it is alleged that encounter had taken place, however, not a single injury had been caused to any of the official from police party; that even there is no scratch on police mobile; that no private mashir was associated; that applicant was picked up from his house and then he was implicated in these crimes. He lastly prayed for bail.

4. On the other hand learned A.P.G opposed the bail applications and submitted that applicant/accused alongwith co-accused had made straight firing upon patrolling police party; that applicant was arrested at the spot and weapon

was recovered from his possession; that empties of .30 bore pistols were also recovered from the place of incident and FSL report is in positive. She prayed for dismissal of bail applications.

5. I have heard the learned counsel for the applicant as well as learned A.P.G and have also perused the material available on record.

6. The applicant is nominated in FIR with specific role of making firing at police party, in which he sustained injury. Applicant was arrested at the spot and weapon was recovered from his possession so also empties of .30 bore pistol, FSL report whereof is in positive. Applicant's counsel has failed to show any enmity with police, as to why he has been implicated in these crimes. Even besides these, applicant is also shown involved in another crime bearing No.158 of 2022 registered under Section 397 PPC, as mentioned in the impugned Order of learned trial Court. The tentative assessment of the case implicates the applicant/accused with the commission of crimes; therefore, he is not entitled for concession of bail. Accordingly, captioned bail applications are dismissed.

7. Needless to mention here that observations made hereinabove are tentative in nature and will not prejudice the case of either party at trial. Learned trial Court however, is directed to expedite the trial and conclude it within shortest possible time in accordance with law.

8. Captioned bail applications stand disposed of accordingly.

JUDGE

Sajjad Ali Jessar