

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 137 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

22-02-2023

Mr. Muhammad Rehman Ghous, Advocate for applicant.

Mr. Talib Ali Memon, A.P.G. a/w complainant.

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Omar Sial, J: Mohammad Zaid Farooq has sought post arrest bail in crime number 614 of 2022 registered under sections 397, 342 and 34 P.P.C. at the Aziz Bhatti police station. Earlier, his application seeking bail was dismissed on 23.11.2022 by the learned 11th Additional Sessions Judge, Karachi East.

2. A background to the case is that Mohammad Jawad Lakhani told the police on 08.06.2022 that he was in the business of selling mobile phones and that the previous day i.e. 07.06.2022 a person placed an order for 2 mobile phones and asked for them to be delivered to a place identified by him. The complainant along with a cousin of his named Shabi Hassan reached the identified spot where after a little while a person came in a car and asked them to come with him to his house nearby so he can check the phones and make the payment. The driver stopped the car a little further and another man emerged who took over the steering while he himself sat at the rear seat with Shabi. The driver soon pulled out a weapon and then drove around withdrawing money from the ATM cards that the 2 victims carried. Finally, the thieves dropped the 2 boys on the road and took away the phones, a laptop and the money.

3. Learned counsel has attempted to argue that the applicant is innocent as no recovery has been effected from him, the police did not obtain a call data record to confirm whether the applicant was even present on the spot as claimed, no identification parade was conducted and that the trial is not proceeding due to the complainant's absence. The

learned APG who was assisted by the complainant, to the contrary has forcefully opposed the grant of bail and has in addition submitted that the facts in themselves reveal that this was not only a case of theft but was also a case of short term kidnapping. I have heard the parties. My observations and findings are as follows.

4. The victim Mohammad Jawad Lakhani, who appears to be a decent young boy, has categorically confirmed that the applicant was the person who had pulled out the weapon on him and his cousin in the car. I have absolutely no reason to doubt him. He has no reason to falsely nominate the applicant as he did not even know who he was prior to the incident. For me his identification is sufficient at this stage. None of the grounds raised by the learned counsel for the applicant have convinced me that any of the ground is sufficient to overshadow the identification of the victim of this crime.

5. Above are the reasons for the short order of earlier today in terms of which the bail application was dismissed.

JUDGE