

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT, HYDERABAD

Criminal Bail, Appl. No.D-16/2010

Order with signature of Judge

28.09.2010

Mr. Shamsuddin Khushik Advocate for Applicant.

Syed Meeral Shah Deputy Prosecutor General Sindh

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Ahmed Ali M. Shaikh J. Through this application, applicant Daim seeks post arrest bail in crime No.123/2008 of P.S. Shahdampur District Sanghar registered u/s 13-D Arms Ordinance.

2. The applicant/accused approached the trial court but his bail plea was turned down vide order dated 17.04.2010.

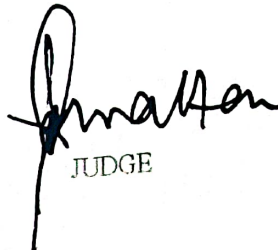
3. Briefly stated facts of prosecution case are that applicant/accused was arrested on 21.09.2008 during an encounter. He was found in possession of unlicensed Kilashankov and 120 live bullets.

4. It is inter alia contended by the learned counsel for the applicant that the applicant is innocent and has falsely been implicated in this case and Kilashankov and bullets have been foisted upon him. Per learned counsel neither applicant participated in the alleged encounter nor he was arrested from the place of occurrence nor any weapon was recovered from his possession. It is urged with vehemence that during alleged encounter two abductees namely Nabi Bux and Budhal Faqir were recovered from the clutches of abductors and both the abductees in their respective affidavits which are filed in connected bail application No.D-14/2010 have categorically stated that neither the applicant was one of their abductors nor he was arrested from place of occurrence. It was further contended that the applicant is behind bars since three years without any progress in the trial.

5. On the other hand, Syed Meeral Shah Deputy Prosecutor General Sindh for the State vehemently opposed the bail plea of the applicant on the ground that applicant was arrested during encounter and police recovered a Kilashankov and live bullets from his possession.

6. Heard learned counsel for the parties and perused the record. Since the applicant has been granted bail in main cases i.e. crime No.119/2010 and 120/2010 of P.S. Shahdadpur on the basis of affidavits filed by the abductees Nabi Bux and Budhal Faqir and after going through the contents of such affidavits, and also keeping in view that the applicant is behind the bars since three years, we are of the considered view that the case of the applicant requires further inquiry.

7. For the foregoing reasons, the applicant was admitted on bail vide our short order dated 24.09.2010.


JUDGE


20.9.2010
JUDGE

A.K