

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-192 of 2023

Applicant: Mumtaz Ali son of Bakhshan Khan alias Allah Bux, through Mr. Imtiaz Ali Malano, Advocate.

Complainant: Shahid Nawaz son of Rana Muhammad Nawaz in person.

Respondent: The State through Ms. Rameshan, Assistant Prosecutor General, Sindh.

Date of hearing: **10.04.2023**

Date of Order: **10.04.2023**

O R D E R

AMJAD ALI SAHITO, J:- Through the instant criminal bail application, the applicant above named seek his post-arrest bail in Crime No.20 of 2022, under sections 395, 397 and 342 P.P.C, registered at P.S Budhani Hyderabad, after his bail plea was declined by the learned IIIrd Additional Sessions Judge, Hyderabad vide order dated 10.02.2023.

2. The details and particulars of the F.I.R. are already available in the bail application and crime report, same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Per learned counsel the name of the applicant / accused does not transpire in the FIR; that no identification parade was conducted before Magistrate; that at the time of arrest from applicant / accused recovered an unlicensed pistol and FIR was registered being Crime No.21 of 2022 registered at P.S Budhani Hyderabad wherein learned Trial Court has granted bail to the applicant / accused and he is in jail in present crime but no progress has been made. He lastly prayed for grant of bail.

4. On the other hand, Assistant Prosecutor General, Sindh vehemently opposed for grant of bail to the applicant; however, she admits that the name of applicant / accused does not transpire in the FIR on the basis of identification of co-accused and statement he has been implicated in this case. Otherwise, no recovery effected from applicant / accused.

5. Complainant present in person raises his no objection for grant of bail.

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

7. Admittedly, the name of applicant /accused does not transpire in the FIR. After arrest no identification parade was conducted. No robbed articles from the applicant / accused. Further in off-shoot case viz. unlicensed pistol case applicant / accused has been granted bail by the learned IIIrd Additional Sessions Judge Hyderabad vide order dated 11.10.2022. The applicant / accused is in jail his custody is no more required for further investigation, as such, no purpose would be served to keep him in jail for indefinite period. In such circumstances, the learned counsel for the applicant/accused has made out a case for grant of post-arrest bail in view of subsection (2) of section 497 Cr.P.C, resultantly the instant bail application is allowed and the applicant/accused is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- and P.R. bond in the like amount to the satisfaction of learned Trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature would not influence the learned Trial Court while deciding the case of either party at trial.

JUDGE