

THE HIGH COURT OF SINDH KARACHI

Criminal Bail Application No. 417 of 2023

For hearing of Bail Application.

Applicant/Accused : Muhammad Shahid s/o Muhammad Hanif, through Mr. Ghulam Ashgar, Advocate.

Complainant : Mazawar son of Wazeer through Ms. Rahat Ehsan, Additional Prosecutor General Sindh.

Date of hearing : 13-04-2023

Date of order : 13-04-2023

*FIR No.447/2022
U/s: 392/397/34 PPC
P.S. Saeedabad, Karachi.*

ORDER

Adnan Iqbal Chaudhry J. - The Applicant/Accused seeks post-arrest bail in the aforesaid crime after the same had been declined by the Additional Sessions Judge-XII, Karachi (West) by order dated 23-12-2023.

2. Per the FIR, on 13-09-2022 when the Complainant was sitting with his relative Sagar, the Applicant/accused alongwith two others robbed the Complainant of Rs. 50,000/- cash, a mobile phone and his CNIC at gun point; that two of the robbers fled while the Complainant and his companion managed to apprehend one of them, namely the Applicant, who was also carrying a .03 bore pistol with three rounds, and who was then handed over to the police. Learned counsel informs that for the alleged recovery of the pistol, a separate FIR is lodged under the Sindh Arms Act.

3. Learned counsel for the Applicant submits that he was framed by the police alongwith the Complainant. The Complainant present says that he has no objection to the grant of bail as he has forgiven the Applicant. However, since the offence is not compoundable, I ignore that statement of the Complainant.

4. It is alleged that the Applicant was apprehended by the Complainant and his companion when the Complainant was robbed, but the FIR is vague as to material particulars. There is no mention whether the robbers were on foot or on motorcycle; which one of them was armed; what did the fleeing robbers look like, why was the Complainant carrying Rs. 50,000/- cash with him; strangely, no fire was made by the Applicant if he was carrying a pistol at the time he was perused by the Complainant. Apart from the pistol, which is alleged to be foisted, the stolen cash or mobile phone were not recovered from the Applicant. Therefore, the case against the Applicant is one of further enquiry. Hence, the Applicant is granted bail subject to furnishing solvent surety in the sum of **Rs. 200,000/- [Rupees Two Hundred Thousand Only]** alongwith P.R. Bond in like amount to the satisfaction of the trial Court.

Needless to state that observations herein are tentative and nothing herein shall be construed to prejudice the case of either side at trial.

SHABAN*

JUDGE