

**IN THE HIGH COURT OF SINDH AT KARACHI****Crl. Bail Application No. 1973 of 2023**

Applicant : Muhammad Umer  
through Mr. Muhammad Aslam Bhutta, Advocate

Respondent : The State  
through Mr. Muhammad Iqbal Awan, Addl.P.G.  
along with complainant.

Date of hearing : 8<sup>th</sup> November, 2023

**ORDER**

**Omar Sial, J:** Mohammad Umer has sought post-arrest bail in crime number 142 of 2023 registered under sections 411, 392, 397 and 34 P.P.C. at the Sharifabad police station. Earlier the learned 5<sup>th</sup> Additional Sessions Judge, Karachi Central on 16.08.2023 dismissed the bail application filed in that court.

2. On 17.05.2023 a couple on a motorcycle was going home at night when they were forced to stop by three armed young men. By putting the couple in fear of being shot, the 3 robbers took away the couple's valuables.

3. Learned counsel has argued that co-accused Habil has been granted bail and thus, the present accused also deserves the same concession on the grounds of consistency; the name of the present applicant was given to the police by Habil; Lastly, he argued that the applicant was innocent and falsely nominated in the case. Learned Additional Prosecutor General argued that Habil, once bailed out, has jumped bail, become an absconder and that the complainant has identified the present applicant. I have heard the learned counsel for the applicant and the learned Additional Prosecutor General. The complainant was present in person.

4. The complainant narrated how events unfolded the night he, along with his wife, was robbed. His narration had a ring of truth to it prima facie, and it seems that the wife has been unable to overcome the trauma. Upon a tentative assessment, I have no reason to doubt the complainant. He has identified the applicant in an identification parade. He has no ambiguity in his mind that the applicant was one of the persons who had held a pistol on him while being robbed.

5. Learned counsel, while arguing consistency, forgot to apprise the court that Habil has become a fugitive from the law ever since. He has been unable to explain what gripe Habil had against the applicant for taking his name as a partner in crime, nor could he explain why the complainant would falsely want to accuse the applicant.

6. Upon a tentative assessment, the prosecution appears to have evidence establishing the applicant's nexus with the crime. Bail is dismissed.

**JUDGE**