

## IN THE HIGH COURT OF SINDH AT KARACHI

### Cr. Bail Application No. 1955 of 2023

(Riaz Ali Vs. The State)

### Cr. Bail Application No. 1956 of 2023

(Shoaib Ali Vs. The State)

Mr. Aijaz Ali Hisbani, Advocate for the applicants

Mr. Muhammad Iqbal Awan, Additional Prosecutor General Sindh for the State

Date of hearing : 30.11.2023

### ORDER

**Omar Sial,-** Riaz Ali and Shoaib Ali have sought post-arrest bail in crime number 214 of 2023 registered under sections 392, 397 and 34 P.P.C. at the Mochko police station. His earlier bail-seeking plea was dismissed on 18.08.2023 by the learned 11<sup>th</sup> Additional Sessions Judge, Karachi West.

2. The F.I.R. mentioned above was registered on 10.06.2023 on the information provided by Shahab-uddin. The complainant reported that he and his friend Mohammad Farooq were on their motorcycle when three persons on one motorcycle intercepted them. One of the boys threatened the two friends with a pistol and stole the motorcycle and other valuables that they had.

3. On 26.06.2023, the police learned that some criminals were travelling on a specific road. Three motorcycles with seven persons travelling on them were signaled to stop. One person hopped off the motorcycle and ran away while the others were apprehended along with the motorcycles on which they travelled. Mohammad Zaman

(with a pistol) and Riaz Ali were identified as the riders on one motorcycle; Nazir Ahmed and Sohail Chandio (with a pistol and 9 cell phones in a bag) were on the second motorcycle. Shoaib Ali and Wazir Ali (with a pistol) were on the third motorcycle. Mohammad Zaman and Riaz Ali drove the motorcycle stolen in the present case. The remaining two motorcycles were also stolen.

4. I have heard the learned counsels for the applicant and the learned Additional Prosecutor General. The complainant did not effect an appearance despite notice. My observations and findings are as follows.

5. No identification parade was held for the complainant and his friend to identify the applicants after they were arrested in another case. This lapse has become normal as far as the police investigating these crimes are concerned. Considering the exponential rise in street crime, this court has, on several occasions, given the prosecution concessions on this account at the bail stage. Still, all of those cases were ones in which the person who had been robbed had himself come to the High Court and confirmed that the accused was indeed the person who had robbed them. In this case, the complainant and his friend failed to do so despite directions to the investigating officer to procure their attendance.

6. Allegedly, the applicants were riding stolen motorcycles. In the absence of the complainant identifying the applicants, perhaps the police should have considered including a charge under sections 411 and 412 P.P.C., but this is not a stance the police took. In these circumstances, the case against the applicants becomes one of further inquiry. They are, therefore, admitted to bail subject to each of them giving a surety of Rs. 200,000 each and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

**JUDGE**