

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI  
Cr. B.A. No. 1417 of 2023

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Date	Order with signature of Judge
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For hearing of bail application

27.07.2023

Mr. Saifullah Rind, Advocate for applicant.

Mr. Hussain Bux Baloch, Addl. P.G.

SIP Rashid Mehmood Mughal and ASI Muhammad Abbas, P.S. Mochko.

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1. Applicant Allah Rakha son of Muhammad Ramzan is seeking pre-arrest bail in FIR No.101/2023, under Section 6/9(i) 6(a), CNS Act at P.S. Mouchko, Karachi.
2. The allegation against the applicants/accused is he was found in possession of contrabands i.e. Chars (weighing 3660) and Ice (265 grams).
3. Per learned counsel the witnesses in the alleged offence are police officials and there is a violation of Section 103 Cr.P.C. He further contended that mere heinousness of offence is not a ground to decline the concession of bail. He further contended that the applicant/accused is innocent, has been nabbed by the police due to enmity.
4. Learned APG argued that the applicant/accused is named in the FIR with specific role of possessing contrabands. He further contended that the offence of like nature is against the society and whenever, the police and prosecution introduce on record such a crime and the accused involve in those crimes be dealt with iron hands. While concluding his submissions, learned Addl. P.G. supported the impugned order and prayed for dismissal of bail plea of the applicant/accused.

5. I have heard the submissions of learned counsel for the parties and scanned the available material. It is an admitted position that the applicant/accused is not only named in the FIR but has also been comprehensively described with a role. During course of arguments, learned Addl. P.G. with the assistance of ASI Muhammad Abbas P.S. Mouchki, Karachi submitted a report to demonstrate that the applicant/accused is habitual criminal and nominated in several FIRs. Along with statement, ASI Muhammad Abbas annexed several FIRs in which the applicant/accused is nominated with specific role.

6. Reverting to the one of the contentions of the learned counsel for the applicant/accused to effect that there is no any independent witness was cited by the prosecution, therefore, there is violation of provision of section 103 Cr.P.C. To meet with the said objection, I may say, that private person generally avoiding to become witnesses, particularly in cases of like nature as they stand exposed to kind of threats from the culprits. The Hon'ble Supreme Court in case of Mohammad Hanif (2003 SCMR 1237) Judicially recognized the reluctance of general public to become witness in crime and there is no option left to consider statement of official witnesses, as no legal bar has been imposed in that regard.

7. In sequel to the above discussion, I don't see any merit in this bail application which is dismissed.

8. Before parting, the trial Court is directed to conclude the trial preferably within a period of 90 days.

JUDGE