

# IN THE HIGH COURT OF SINDH AT KARACHI

## Criminal Bail Application No.1570 of 2023

Applicant : Asif @ Jin S/o Aamir  
Through Mr. Israr Ali Bhaagat,  
Advocate

Respondent : The State  
Through Mr. Abrar Ali Khichi,  
Addl. P.G., Sindh a/w  
SIP Arshad Tanoli, PS Sher Shah

Date of hearing : 24.08.2023

Date of order : 24.08.2023

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.56/2023 for the offence under Sections 392, 397, 34 PPC registered at PS Sher Shah, after his bail plea has been declined by the learned Additional Sessions Judge-XI, Karachi West vide order dated 07.07.2023.

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

3. Learned counsel for the applicant/accused has mainly contended that the applicant/accused is innocent and has falsely been implicated in this case; that no evidence has been brought on record to connect the present applicant with the commission of offence; that no identification parade has been held before the Magistrate to believe that the applicant is involved in this case; that though the applicant is involved in other cases but he has been granted bail in all such cases. He lastly prays for post-arrest bail.

4. On the other hand, learned Addl. PG has vehemently opposed for grant of bail on the ground that at the time of committing offence, he was wearing helmet and mask, as such, identification could not be possible. I.O. present in Court also submits that in fact the applicant was arrested in FIR No.119/2023 U/s 23(i)(A) SAA, 2013 at PS Sher Shah and during

course of investigation, he confession commission of this offence. He further submits that the applicant is involved in three other similar nature of cases.

5. I have heard the learned counsel for the parties and have perused the material available on record.

6. Admittedly, the name of the applicant does not transpire in the FIR as this is a robbery case and it is not possible to disclose the name of the accused person. As per FIR, the articles including one Nokia Mobile Phone and one VIVO X70 IRO, cash Rs.2500/- were robbed from the complainant and his friend when he was riding motorbike. However, the accused were wearing helmet and mask at the time of committing offence, as such, he cannot be identified. But during course of investigation of another crime, he has admitted his guilt for committing the instant offence. Further, he has involved in three other similar cases. So far as the contention of learned counsel that he has been granted bail in all other cases has no force as when a Court grants bail to an accused, it does not mean that accused repeats the offence. From the face of it, the applicant has not only repeated the offence but also misused the concession of bail.

7. In view of above, learned counsel for the applicant has failed to make out a case for grant of post-arrest bail in terms of subsection 2 of Section 497 Cr.P.C. Accordingly, the instant Bail Application is **dismissed**.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE

Kamran/PA