

# IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1233 of 2023

Applicant : Sana Ullah Khan S/o Gul Khan  
through Mr. Samreen Ali Rizvi,  
Advocate

Respondent : The State  
Through Mr. Siraj Ali Chandio,  
Addl. P.G., Sindh

Date of hearing : 08.09.2023

Date of order : 08.09.2023

## **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.64/2023 for the offence under Sections 397, 353, 324, 186, 34 PPC registered at PS Ferozabad, after his bail plea has been declined by the learned Additional Sessions Judge-XI, Karachi East vide order dated 11.04.2023.

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 by the police as he was passer-by; that nowhere is mentioned that he has committed the said offence nor any recovery was made from him; that since his arrest, no progress has been made; that the applicant is in jail and is no more required for further investigation. She lastly prays for grant of bail.

4. On the other hand, learned Addl. PG has vehemently opposed for grant of bail on the ground that the applicant was arrested on the spot and recovery of robbed amount was effected from his possession so also crime weapon.

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 appears in the FIR with specific role that while committing robbery from the complainant, police party reached at the place of incident thereafter encounter took place. Resultantly, the accused persons started firing upon the police with intention to kill them; however, during encounter, he was arrested and disclosed his name as Sanaullah Khan. The police thereafter secured/recovered robbed amount of Rs.2000/- and crime weapon viz. T.T. Pistol. At bail stage, only tentative assessment is to be made. Sufficient material is available on record to connect the applicant with the commission of offence. Further, the prosecution has also supported the version of the complainant.

7. In view of the 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**. However, the trial Court is directed to expedite the matter and conclude the same within 60 days from the receipt of this order.

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