

**IN THE HIGH COURT OF SINDH AT KARACHI****Crl. Bail Application No. 1216 of 2024**

Applicant : Wazeer Ali  
through M/s. Abdul Majeed Khoso and  
Zakiuddin Shaikh, Advocates

Respondent : The State  
through Mr. Ali Haider Saleem, Addl.P.G.

Complainant : In person

Date of hearing : 16<sup>th</sup> August, 2024

Date of Order : 3<sup>rd</sup> September, 2024

**ORDER**

Omar Sial, J: Wazeer Ali has sought post-arrest bail in crime number 256 of 2023 registered under sections 392, 397 and 34 P.P.C. at the Mochko police station. His earlier application seeking bail was dismissed by the learned 11th Additional Sessions Judge, Karachi West on 11.05.2024.

2. Mohammad Sharif lodged the aforementioned F.I.R. on 25.06.2023, informing the police that on 06.06.2023, while he was riding his motorcycle with his niece they were intercepted by three men on a motorcycle out of which one man pulled out a pistol and robbed the two motorcyclists of their valuables and took their motorcycle. The applicant was arrested in another case on 26.06.2023, when he was a pillion rider on a motorcycle being driven by a Shoaib. The motorcycle was said to be the one that was reported stolen by Mohammad Sharif.

3. I have heard the learned counsel for the applicant and the learned Additional Prosecutor General. The complainant was present but did not wish to engage a counsel.

4. Mohammad Sharif, present in court, stated that he does not recognize the applicant as being one of the robbers because it was night time and the robbers acted very fast. He confirms that to date he has not being asked by the police to come for an identification parade, or as a

matter of fact, to come to the police station to confirm whether the applicant was one of the robbers. He is also unable to explain why it took him 19 days to register an F.I.R. and whether the fact that his motorcycle and stolen phones, could be used for a crime did not worry him. At the moment it seems strange that the applicant was arrested on 26.06.2023, just one day after the F.I.R. registered by the complainant. What was the applicant's nexus with Shoaib (the boy who was riding the motorcycle) is not explained. Learned Addl.P.G. has confirmed that Shoaib has been granted bail but was unable to justify as to why the applicant too does not deserve the same concession on grounds of consistency. The case against the applicant is one of further inquiry.

5. Given the above, the applicant is admitted to bail subject to his furnishing a solvent surety in the amount of Rs. 200,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE