

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No. 1442 of 2024

<i>Date</i>	<i>Order with signature of Judge</i>
Applicant Sharjeel Ahmed @ Sono son of Javed Sher Ali	: through M/s. Waqar Alam Abbasi & Abbas Khan, Advocates
The State	: Through Ms. Rubina Qadir, Deputy Prosecutor General, Sindh.
Complainant Arsalan Latif	: Through Mr. Rohail Malik, Advocate.
Date of hearing	: 19.09.2024
Date of order	: 19.09.2024

ORDER

Muhammad Saleem Jessar, J:- Through this application, applicant Sharjeel Ahmed @ Sono seeks his release on post arrest bail in Crime No. 85/2024 of Police Station Aram Bagh, Karachi under Section 392, 397 & 34 PPC. The applicant was arrested by the police on 04.06.2024 and after completion of legal formalities, challan against him has also been submitted which is now pending for trial before the Court of 3rd Addl. Sessions Judge, Karachi (South). The applicant filed Criminal Bail Application No.1990 of 2024 before the trial Court which by means of order dated 13.06.2024 was dismissed; hence, instant bail application has been maintained.

2. Since the facts of the prosecution case are already mentioned in the FIR, which is annexed with the Court file, therefore, there is no need to reproduce the same.

3. Learned counsel for the applicant submitted that applicant has falsely been implicated by the complainant in this case and nothing incriminating has been shown to have been recovered from his possession

or was produced by him during investigation. He further submitted that name of the applicant does not find place in the FIR; besides, identification parade is defective, therefore, it cannot be relied upon to maintain the version of the prosecution; hence, prayed for grant of bail.

4. On the other hand, learned Deputy P.G, Sindh appearing for the State, opposed the bail application on the ground that a lady was robbed off and was deprived of her belongings; besides, accused was subjected to identification parade where the victim lady had rightly picked him up before the Magistrate. She further submitted that non-recovery of robbed articles is no ground for bail more particularly when the street crimes in the city are increasing day by day even outlaws are wandering everywhere and have robbed off the belongings of a poor lady which at the time of offence was having a suckling baby with her; hence, prayed for dismissal of the bail application.

5. Learned counsel for the complainant also opposed the bail application and submitted that on very day of the incident, the complainant had submitted an application to SHO P.S concerned for registration of the FIR which was received by the incharge of the police station on 23.03.2024, therefore, delay, if any has been shown, was not on the part of complainant. In support of his contention, he placed on record a copy of said application duly endorsed by the official of P.S Aram Bagh, Karachi dated 23.03.2024, taken on record. He, therefore, submitted that after the incident, applicant had repeated the crime and stood booked under FIR No.109 of 2024 registered with P.S Brigade, Karachi for offences punishable under Section 397 & 34 PPC on 29.03.2024 where he was apprehended and shown under photograph duly armed, therefore, he being a habitual offender, is not entitled for the bail. As far as, contention of learned counsel for the applicant that applicant is not nominated in the FIR, is concerned, learned counsel for the complainant submitted that after his arrest, the applicant was subjected to identification test where he was picked up by the victim lady with specific role before the Magistrate, therefore, he is not entitled for the bail.

6. Heard arguments, record perused. No doubt, the applicant is not nominated in the FIR but after his arrest, he was subjected to identification parade before the Magistrate having jurisdiction where victim lady, wife of the complainant, had rightly identified and picked him up to be the same culprit who robbed her off her belongings at the time of incident. As far as, contention of learned counsel for the applicant that he has falsely been implicated by the complainant, is concerned, no malafide or animosity has been brought on record to believe that complainant has implicated him falsely.

7. The upshot of above discussion is that applicant has failed to make out a good prima facie case for his release on bail. Consequently, instant bail application was dismissed by a short order dated 19.09.2024 and these are the reasons for the same.

8. A copy of this order shall be sent by fax to trial Court, for compliance, with directions to conclude the trial within shortest possible time, under intimation to this Court. A copy of this order shall also be sent by fax to learned Sessions Judge, Karachi (South), for compliance.

JUDGE

Zulfiqar/P.A