

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1750 of 2024

Applicant : Mazhar Abbas
through Mr. Rameez Raja Solangi, Advocate

Respondent : The State
through Mr. Saleem Akhtar Buriro, Addl.P.G.

Complainant : through Mr. Imtiaz Ali Awan, Advocate

Date of hearing : 26th September, 2024

Date of short order : 26th September, 2024

Date of reasons : 30th September, 2024

ORDER

Omar Sial, J: Mazhar Abbas has sought post-arrest bail in crime number 491 of 2023, registered under sections 394, 397, and 34 P.P.C. at the Taimooria police station. He applied for bail before the learned 3rd Additional Sessions Judge, Karachi Central, but the application was dismissed on 08.06.2024.

2. The case against the applicant is that on 04.07.2023, he, along with an accomplice, robbed the complainant, Noureen, and, in that episode, apart from causing injuries to Noureen and her mother, shot and injured Mehreen, Noureen's younger sister.

3. I have heard the learned counsels for the applicant and the complainant as well as learned Additional Prosecutor General. My observations and findings are as follows.

4. Counsel for the applicant has not extended any substantial argument supporting his prayer that the applicant be released on bail. The applicant has been identified by the complainant, her sister, and her mother, albeit not in an identification parade. The stolen items have been recovered from the applicant. There is no malafide on the

part of the complainant party to motivate them to implicate the applicant falsely.

5. Although the learned counsel has not raised the argument that the punishment for the offense with which the applicant is charged falls within the non-prohibitory, I nonetheless believe that I must give my reason for denying bail in a case that falls within the non-prohibitory clause. Incidents such as the current one have increased exponentially in Karachi. There appears to be a sense of fear in people roaming freely and in peace in the city. The provincial police are struggling to deal with this evil. Most such cases also show that robbers repeat the offense in such crimes. The applicant robbing women who were alone and then injuring them is despicable. The city's streets will be safer if the applicant remains incarcerated while the trial continues. I have looked at the foregoing as an exceptional reason, as envisaged by the Supreme Court in the Tariq Bashir and 5 others vs The State (PLD 1995 SC 34), to deny the applicant bail in a case where the punishment falls within the non-prohibitory clause.

6. Above are the reasons for the short order dated 26.09.2024.

JUDGE