

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No.2218 of 2024
(Tanveer Ahmed v. The State)

| Date | Order with signature of Judge |
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- 1. For orders on MA No.12970/2024
- 2. For hearing of bail application

07.10.2024

Mr. Muhammad Javed, advocate for the applicant
Ms. Rubina Qadir, DPG for the State
Complainant in person
PI Ghulam Hussain Bhatti, PS Madina Colony, Karachi

It is alleged that the applicant with the rest of the culprits robbed P.W Mst. Lubna of her gold ornaments and other belongings when she was sitting alone in her house, for which the present case was registered.

The applicant having been refused bail by learned XIIth-Additional Sessions Judge, Karachi, West, has sought the same from this Court by way of instant bail application under Section 497 Cr.P.C.

It is contended by learned counsel for the applicant that the applicant is innocent and has been involved in this case falsely by the police by foisting upon him the artificial jewellery and wrist watches, therefore, he is entitled to be released on bail on point of further inquiry, which is opposed by learned DPG for the State who is assisted by the complainant by contending that from the applicant has also been recovered the crime weapon.

Heard arguments and perused the record.

The complainant is not an eyewitness to the incident. The name and description of the applicant do not appear in the FIR. The applicant has been involved in the commission of the incident based on his admission to guilt before the police which could hardly be used as evidence against him in terms of Article 39 of Qanun-e-Shahadat Order, 1984. The recovery of the articles being available in the market is alleged to have been foisted upon the applicant by the police only to

strengthen its case. The applicant has not been subject to an identification parade through P.W Mst. Lubna; such omission could not be lost sight of. Co-accused Mst. Noureen has already been admitted to bail by this Court. The case has finally been challaned and there is no likelihood of absconsion or tampering with the evidence on the part of the applicant who is said to be in custody for ten months without effective progress in the trial of his case. In these circumstances, a case for the release of the applicants on bail on the point of further inquiry is made.

Under the given circumstances, the applicant is admitted to bail subject to his furnishing surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and P.R bond in the like amount to the satisfaction of the learned trial Court.

Instant bail application is disposed of accordingly.

J U D G E

Nadir