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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl Bail Appln. No.S-143 of 2013.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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25.7.2013.

FOR HEARING.

Mr. Naushad Ali Tagar, advocate for applicant.

Mr. Syed Fida Hussain Shah, State Counsel.

Through instant bail application, applicant seeks post arrest bail in Crime No.120/2011 registered at Police Station New Faujdari for offences punishable under section 409, PPC R/w section Act II of 1947.

2. Relevant facts of the prosecution case are that complainant ASI Gulzar Ahmed Soomro lodged FIR on 18.6.2011 alleging therein that on 01.9.2009 at about 04:00 p.m, he along with PC Taimoor Ali and PC Dilshad Ahmed were present, where Veeram Khan Luhur (present applicant) came at Police Lines and deposited G-3 Rifle No.90123, one magazine and two live bullets. On receiving the same, they checked it, which was not found the same. Thereby, they reported this matter to their high-ups. Thereafter inquiry was conducted and applicant was sent up for trial.

3. Learned counsel for the applicant, *inter alia*, contends that according to FIR offence was reported on 01.9.2009, whereas FIR was lodged on 18.6.2011 with the delay of two years without any plausible explanation. He further contends that the applicant is no more required for further investigation, on similar grounds, in Crime No.121/2011 accused Abdul Rehman who was allegedly involved in same nature of case has been granted bail by the trial Court vide order dated 16.8.2012.

4. Conversely learned State Counsel argued that instant crime is heinous and applicant has misappropriated the Government property, therefore, he is not entitled for the concession of bail.

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5. Heard the counsel and perused the record.

6. After careful consideration of contentions raised by the respective counsels and meticulous examination of the available record, it is not disputed that complainant has disclosed in the FIR that the applicant deposited the alleged rifle on 01.9.2009 and being fake rifle, he reported the same before high ups. Candidly, no criminal proceedings were initiated against the applicants and no such FIR was lodged till 18.6.2011. It is settled proposition of law that delay *per se* is no ground for concession of bail but same can be considered along with other material collected by the prosecution. Since on similar facts accused Abdul Rehman Bhutto has been granted bail by the same Court. Moreover, the applicant is no more required for further probe and bail can not be withheld as punishment when the case is pending for adjudication of his guilt.

7. In view of above, the applicant has succeeded to bring his case within the purview of section 497(2), Cr.P.C. Consequently, he is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.100,000/- and P.R bond in the like amount to the satisfaction of the trial Court.


Judge

M.Y.Panhwar/**

In view of above, the applicant has succeeded to bring his case within the purview of section 497(2), Cr.P.C. Consequently, he is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs. 100,000/- and P.R bond in the like amount to the satisfaction of the trial Court.

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In view of above, the applicant has succeeded to bring his case within the purview of section 497(2), Cr.P.C. Consequently, he is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs. 100,000/- and P.R bond in the like amount to the satisfaction of the trial Court.