

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-79 OF 2025

Date of hearing	Order with signature of Judge
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- 1. For orders on O/objection at flag-A.*
- 2. For hearing of bail application.*

Date of hearing. 03.03.2025
Date of order. 03.03.2025

Syed Jaffer Ali Shah, advocate for the applicant
Syed Sardar Ali Shah, Addl. Prosecutor General for the State.

ORDER

Ali Haider 'Ada', J. Through this bail application, the applicant/accused namely Abdul Sattar, seeks post-arrest bail in Crime No.07 of 2024, registered under section 386, 324, 395, 435, 427, 337H(2) PPC.

2. The earlier bail plea of the applicant was declined by the learned Additional Sessions Judge-II, Khairpur vide order dated 25.01.2025 in Criminal Bail Application No.912 of 2024.

3. The facts of the prosecution case is that the applicant who is holding repeater alongwith others facilitated to the other co-accused for the commission of offence in which is role is prescribed as aerial firing, according to the FIR the detail of property is mentioned in the FIR i.e. Solar system, Generator, One Cargo, Cots, Chairs, two motorcycles and wheat in which the accused party committed the offence of dacoity which is prescribed u/s 395 PPC.

4. Learned counsel for the applicant submits that there is delay in registration of FIR which is almost one month without any plausible

explanation; further submits that in FIR No.06 of 2024 as punishable u/s 302, 324, 3376H(2), 147, 148 and 149 PPC at same Police Station, the application was granted post-arrest by this Court vide order dated 14.11.2024 and pointed out the date of incident is also a same which is alleged in FIR No.07 of 2024; further submits that the recovery of TT pistol was effected but as per the FIR the role of the applicant was prescribed to hold the weapon of repeater as finally contends that the applicant has no any specific role in the FIR for the offence but his name has been transpired only on the point of common objection or to say unlawful assembly which is yet to be determined by the trial Court after recording evidence.

5. Learned Additional Prosecutor General appearing for the State submits that there is series of the Crimes once the FIR No.06/2025, 07/2024 was registered as well as 05/2024 at same Police Station as the applicant prima facie is habitual offender in sense that number of series of FIR was registered; further submits that the offence u/s 386 Cr.P.C is not compoundable; the role of the applicant in order to facilitate the principal accused is very much available on record therefore, he is not entitled for the grant of bail. Further submits that the trial Court may be directed to conclude the trial within a stipulated period.

6. I have heard the learned counsel for the applicant/accused, the learned APG for the State, as well as the learned counsel for the complainant, and have carefully examined the material available on record.

The presumption of innocence is added to the cardinal rule of criminal jurisprudence that an accused shall be presumed to be innocent until and unless proved guilty. The record shows that applicant is already granted post-arrest bail in Crime No.06/2024 as punishable u/s 302 PPC on merits

and even the complainant who raised no objection in that FIR as well as such FIR.

7. In view of above, I am of the considered view that applicant/accused has been able to make out a case for grant of bail. Accordingly, instant bail application is allowed. The applicant/accused, namely, Abdul Sattar son of Ali Dost is granted post-arrest bail subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One lac) and PR bond in the like amount to the satisfaction of the trial Court.

8. Needless to state, the observations made herein are tentative in nature and shall not prejudice or influence the learned trial court in any manner while adjudicating the case of the applicant/accused on its own merits.

Bail application stands disposed of in the above terms.

J U D G E

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