

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD**

Criminal Bail Application No.S-828 of 2021.

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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For hearing of main case.

05.11.2021.

Mr. Abdul Majeed, advocate holding brief on behalf of Mr. Ayaz Ahmed Khaskheli, advocate for the applicant.

Ms. Sobia Bhatti, Assistant Prosecutor General, Sindh.

Applicant is present on ad-interim pre-arrest bail.

**ORDER**

MUHAMMAD IQBAL KALHORU, J:- Complainant claims to be daily wager worker in WAPDA Sub-Division Jhol went on a motorcycle to office of XEN HESCO Nawabshah on 15.07.2021. When he was leaving the said office at about 1115 hours, he saw accused Muhammad Sharif and an unknown accused taking away his motorcycle. He registered FIR after one day viz. 16.07.2021 at 1630 hours. Police during snap checking arrested co-accused Sharif alongwith Irshad Ali and recovered motorcycle and weapons from them. Accused Sharif disclosed name of the applicant that he was the one who was with him at the time of taking away motorcycle of the complainant. Except that, no evidence is available on record.

Counsel for the applicant is absent and on his behalf Mr. Abdul Majeed advocate is holding brief. I have heard the parties perused the material available on record.

Learned APG has opposed bail to the applicant on the ground that apart from present, another case is also registered against him. However in absence of any evidence connecting applicant, the case against him is one of further inquiry. It is yet to be determined that the applicant is the same person who was with co-accused had stolen motorcycle of complainant. Prima facie, except statement of co-accused which is admittedly inadmissible in evidence, no material is available against him. Consequently, this bail application is allowed and ad-interim pre-arrest bail

granted to the applicant vide order 20.09.2021 is hereby confirmed on the same terms and conditions.

The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

**JUDGE**

Irfan Ali