

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.569 of 2025

Applicants : Muhammad Qasim S/o Muhammad Aslam through Mr. Imdad Ali Malik, Advocate

Complainant : Kiramat S/o Muhammad Aslam through Mr. Abdul Sadiq Tanoli, Advocate

Respondent : The State through Mr. Muhammad Iqbal Awan, Addl. P.G.

Date of hearing : 21.03.2025

Date of order : 21.03.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicants/accused seek post-arrest bail in Crime No.1260/2024 for the offence under Sections 397/34 PPC registered at PS SSHIA, after his bail plea has been declined by the learned Additional Sessions Judge-VIII, Malir Karachi vide order dated 25.01.2025.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case; that in fact the applicant and complainant are friends and at the time of registration of the FIR, the complainant did not implicate him in the commission of offence being spier of the main accused, otherwise there is no role against him; that no robbed article has been recovered from the applicant; that the applicant is in jail and he is no more required for further investigation. Lastly, he prays for grant of bail.

4. On the other hand, learned counsel for the complainant as well as learned Addl. P.G. vehemently opposed for grant of bail. However, when it was confronted from the complainant, who is present in Court, that his pictures are available with the applicant

and previously he knew the applicant then why he did not implicate him at the time of lodging the FIR if he was involved in the commission of offence, he replied that in fact after CDR report, he came to know that the applicant is involved in this case, however, nothing was recovered from his possession.

5. Heard and perused.

6. From perusal of record, it reflects that on the day of incident after recovery of cash from different shops when the complainant was coming on his way, suddenly three persons on a motorcycle intercepted him and on show off weapon, robbed an amount of Rs.650000/- so also mobile phones. Thereafter, the instant FIR was lodged against three robbers; however, name of the present applicant was not disclosed by the complainant. Further, pictures filed by the applicant show that both applicant and complainant were friends and if the applicant was involved in the said offence then why the complainant did not nominate him at the time of lodging the FIR even when it was enquired from him, the complainant did not reply satisfactory and stated that on the basis of CDR report, he came to know that applicant was involved in the commission of offence. It is yet to be seen whether the applicant has played a role of spier when evidence will be recorded. At bail stage, only tentative assessment is to be made.

7. In view of the above, learned counsel for the applicant has made out a case for grant of bail in terms of subsection 2 of section 497 Cr.P.C. Resultantly, the instant bail application is **allowed**. The applicant/accused named above is granted post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- and P.R. bonds in the like amount to the satisfaction of learned trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE