

## IN THE HIGH COURT OF SINDH AT KARACHI

### Criminal Bail Application No.2679 of 2024

Applicant : Sher Malik S/o Habibullah  
through Mr. Ajab Khan Khattak, Advocate

Respondent : The State  
through Ms. Rubina Qadir, Addl. P.G. a/w  
PI Liaquat Ali of PS Boat Basin

Date of hearing : 06.03.2025

Date of order : 06.03.2025

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.195/2024 for the offence under Sections 392/397/34 PPC at PS Boat Basin, after his bail plea has been declined by the learned Additional Sessions Judge-IX, Karachi South vide order dated 22.05.2024.

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 the FIR was registered against unknown persons and subsequently the present applicant was arrested and booked in this case; that if any recovery is effected from the applicant, the same is recovered in other case registered against him; that no recovery has been made from the applicant in the instant case; that the applicant is in jail and he is no more required for further investigation. Lastly, he prays for grant of post-arrest bail.

4. On the other hand, learned Addl. P.G. vehemently opposes for grant of bail on the ground that though the name of the applicant does not transpire in the FIR but subsequently, after his arrest, recovery of Rs.4 lacs was effected from his possession, as such, he is very much involved in this case. She also submits that the applicant is involved as many as 08 cases of similar nature.

5. Heard arguments and perused the record.

6. From perusal of record, it reflects that two unknown persons have robbed an amount of Rs.19,00,000/- from the complainant and subsequently the present applicant was arrested. Thereafter, he led the police party and handed over a shopping bag wherein Rs.400,000/- was recovered. Another accused namely Irfan was arrested in this case and in his possession, police also recovered Rs.270,000/-. As far as contention of learned counsel for the applicant that the recovery effected from the applicant was not the recovery of the instant case, the same has no worth as the applicant is involved as many as 08 cases of similar nature and after grant of bail in one case, he has repeated the crime and misused the concession of bail. Further, learned counsel for the applicant has failed to plead enmity or ill-will or malafide on the part of complainant to believe that he was falsely been implicated in this case. Sufficient material available on record to connect the applicant with the commission of offence. At bail stage, only tentative assessment is to be made.

7. In view of the above, learned counsel for the applicant has failed to make out a case for grant of bail in subsection 2 of Section 497 Cr.P.C. Resultantly, the instant bail application is **dismissed**. However, trial Court is directed to expedite the matter and conclude the same preferably within 60 days.

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

Kamran/PA