

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.868 of 2024

04.06.2024

Syed Zulfiqar Ali Shah, Advocate for applicants.
Ms. Rahat Ahsan, Addl. P.G. a/w PI Shoukat Ali P.s. Sukhan Malir.

ORDER

MUHAMMAD IQBAL KALHORO J: Applicants are seeking post arrest bail in Crime No.291/2023 U/s 302, 324, 396, 394, 34 PPC registered at P.S. Sukhan, Malir, Karachi.

2. Allegedly on 30.06.2023 applicants alongwith other accused duly armed with weapons stormed into the store of P.W. Nasir for committing robbery. But when people raised resistance, they started indiscriminating firing killing brother of P.W. Nasir, Sher Rehman and Haji Younus; and making their escape good. FIR was registered on 02.07.2023. On 10.07.2023 applicants were arrested in some other crime and from them recovery of unlicensed weapons was effected. During interrogation, they admitted to have committed present offence as well as. When the weapons recovered from them were sent to FSL alongwith empty recovered from the spot, they matched with each other. Besides at the time of their arrest, CNIC of complainant was also recovered from them.

3. Applicants' counsel has argued for bail pleading that name of applicants do not transpire in the FIR; there is no strong evidence against them; co-accused have been granted bail by the trial court and admission of the applicants before the police is inadmissible piece of evidence, and it is yet to be determined in the trial whether applicants are involved in the case or not. His arguments have been rebutted by learned Addl.P.G. on the ground that applicants are involved in the case; empty recovered from the place of incident has matched with the weapons recovered from them.

4. I have considered submissions of the parties and perused material available on record. Reportedly, there are in all three cases registered against the applicants, i.e. present one and two cases of recovery of illicit weapons. At the time of their arrest, allegedly CNIC of complainant was recovered from

them. More so, FSL report of recovered empty from the spot matching with the weapons recovered from the applicants furnishes a reasonable ground pointing out to involvement of the applicants in the present offence. The fact that the name of the applicants is not mentioned in the FIR cannot be considered as a favourable circumstance to them for the reason that the applicants, the alleged robbers, were not known to the complainant party and they had entered the store of P.W. Nasir for the purpose of robbery. It is stated that challan has been submitted and the charge has been framed. The evidence is about to commence, hence on the basis of prima facie evidence as above, this application is dismissed. However, learned trial court is directed to examine P.W Nasir without fail within a period of two months, after which the applicants would be at liberty to repeat application for the same relief before the trial court, which, if filed, shall be decided on its own merits by considering evidence of P.W. Nasir tentatively as required.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

The bail applications are disposed of in the above terms.

J U D G E

A.K