

**THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.D-57 of 2022.
Criminal Bail Application No.D-58 of 2022.
Criminal Bail Application No.D-59 of 2022.

Present

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Muhammad Saleem Jessar.

Date of hearing & decision: 08.11.2022.

Haji Qalandar Bux Laghari advocate for applicant.
Mr. Shahzad Saleem Nahiyoona Addl. Prosecutor General.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Applicant is seeking post-arrest bail in three different cases by means of listed bail applications.

As per FIR, complainant, a resident of Taluka Daska District Sialkot Punjab, was duped by co-accused Ali Muhammad Chandio and other into coming to their Otaque in Village Bachal Chandio, Taluka Tando Jan Muhammad for purchasing sacrificial goats on 27.06.2022 where, when he and PWs reached, 3/4 unknown persons were present alongwith above named accused who on the show of weapons robbed complainant of 20 lacs brought by him for purchasing sacrificial animals, and abducted one of his relatives Muhammad Muneeb for ransom. Applicant's name is not mentioned in FIR. Abductee after encounter was recovered on 01.07.2022 and co-accused Ali Muhammad was arrested. Applicant was seen and identified by police during encounter but he made his escape good. Subsequently, complainant again appeared at police station on 22.07.2022 and disclosed name of applicant to be one of the unknown culprits who had robbed cash of Rs.20 lacs from him and abducted his relative. On the basis of such report the applicant has been included in the case.

Learned defence counsel has contended that the applicant is innocent, has been falsely implicated in this case; his name is not mentioned in FIR nor it was taken by abductee in his statement u/s 161 CrPC after his recovery; no case is made out against the applicant and co-accused. Some of co-accused have been granted

bail, therefore, applicant is also entitled to same treatment. Learned Additional Prosecutor General however has opposed bail to the applicant on the ground that evidence of main witnesses has been recorded in which they have identified the applicant to be the one of unknown culprits in the case.

We have considered submission of parties and perused material available on record. Contents of FIR show that an innocent person from Punjab was tricked first by accused into coming to village Bachal Chandio in the Otaq of main accused Ali Muhammad Chandio for purchasing sacrificial animals from them where not only he was robbed of his 20 lacs brought for such purpose but his relative Muhammad Munib was also abducted for ransom by unknown accused. Applicant has been identified to be one of those unknown accused after he was arrested in Crime No.40/2022, u/s 324, 353, 342 PPC r/w Section 6/7 ATA 1997. In the trial, evidence of the complainant etc. has been recorded. The witnesses in deposition have identified the accused including applicant to be the same. In presence of such prima facie evidence, no case for bail has been made out. The role of applicant is distinguishable to the role of co-accused who have been granted bail. In that at the time of recovery of abductee, applicant was seen and identified by the police but he made his escape good, whereas other accused were not. Moreover, the trial has commenced, material witnesses have been examined. In such a situation, direction to learned trial Court to expedite the trial and conclude it within a certain period would meet the ends of justice. Accordingly, listed bail applications are dismissed however, learned trial Court is directed to expedite the trial and concluded it within a period of two months after which, if the trial is not completed, the applicant would be at liberty to move a fresh bail application before learned trial Court which if filed however shall be decided on its own merits.

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

JUDGE

JUDGE