

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

Criminal Bail Application No.S-1171 of 2022.
Criminal Bail Application No.S-1172 of 2022.

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objections.
For hearing of main case.

21.11.2022.

Mir Sajid Ali Mari advocate for the applicant.
Mr. Abdul Waheed Bijarani, Assistant Prosecutor General.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Applicant has been involved in two cases viz. Crime No.163/2022 u/s 395 PPC registered at PS B-Section Nawabshah and Crime No.181/2022, u/s 324, 353, 399, 402 PPC, registered at PS A-Section Nawabshah. FIR No.163/2022 shows that on 25.09.2022 at 05 pm complainant who has a junk shop near Sanghar Road Nawabshah was approached by five accused, named in FIR including applicant, duly armed with weapons and committed robbery of Rs.50,000/- and one touchscreen Q-Mobile phone from him and then made their escape good on the motorcycles on which they had come.

Crime No.181/2022 shows that on 27.09.2022 at 2200 hours near Bachheri Road Naako Nawabshah, the police arrested the applicant after an encounter whereas four other accused named in FIR made their escape good. However, nothing was recovered from him, either robbed cash of Rs.50,000/- or touchscreen Q-mobile as alleged in Crime No.163/2022. In encounter no one from either party became injured. Escape of co-accused from the spot who were in identical position as applicant requires further inquiry into presence of applicant and the allegations of encounter against him. The cases have been challaned, applicant is no more required for further investigation. There is delay of two days in registration of FIR No.163/2022. It is prima facie strange on the part of complainant to approach police after two days when he had identified all the accused at the time of robbery, therefore, that case also requires further inquiry.

Accordingly, both the bail applications are allowed and the applicant is granted post-arrest bail subject to furnishing a solvent surety in the sum of Rs.50,000/- (fifty thousand rupees) in each case and P.R Bond in the like amount to the satisfaction of learned trial Court.

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

JUDGE

Irfan Ali