

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2688 of 2024

Applicant : Aqib @ Faizan S/o Muhammad Naseem
through Mr. Ajab Khan Khattak, Advocate

Respondent : The State
Through Mr. Qamaruddin, APG a/w
AIG (Legal) Asif Ahmed & DSP Amjad are
present.

Date of hearing : 13.02.2025

Date of order : 13.02.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks pre-arrest bail in Crime No.406/2024 for the offence under Sections 394/397/34 PPC registered at PS Orangi Town, after his bail plea has been declined by the learned XII-Additional Sessions Judge, West vide order dated 27.07.2024.

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, the applicant is innocent and has falsely been implicated in this case; that memo of arrest dated 14.07.2024 is showing different story; that complainant is notorious dacoit of Orangi Town and he is police informer; that 09 FIRs were registered against the complainant; that in fact not a single FIR is registered against the present applicant prior to this incident; that in fact the complainant party, who belongs to a robber gang committed the offence and in order to save from the robbery, the applicant made firing upon accused persons being armed with weapon but police officials malafidely involved him in the said crime; that the applicant is in jail and is no more required for further investigation. Lastly, he prays for grant of bail.

4. On the other hand, learned APG opposes for grant of bail.

5. Heard arguments and perused the record.

6. From perusal of record, it reflects that name of the applicant appears in the FIR with specific role that on the day of incident, he alongwith other accused persons appeared at place of incident and robbed cash Rs.8000/- wrist watch black pata cassio, mobile phone Metrolla golden color Sim from the complainant so also mobile from his friend Yaseen and run away from the place of incident while making four fires from 9 mm pistol which hit him on his leg and thereafter run away. Further, on last date of hearing, learned counsel for the applicant pleaded malafide on the part of police officials for wrongly involved the applicant in this case; as such, in order to clear the position, AIG (Legal) present in Court states that in fact accused and complainant both belong to a robber gangs and on the day of incident, they made fire against each other. In view of his statement, the plea taken by learned counsel for the applicant that the applicant fired in his defence will be decided when evidence will be recorded. At bail stage, only tentative assessment is to be made. Sufficient material is available on record to connect the applicant with the commission of offence.

7. In view of the above, the instant bail application is **dismissed**. However, learned 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