

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
Crl. Bail Application No.2025 of 2024

Date	Order with signature(s) of Judge(s)
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For hearing of main case

04.11.2024

Mr. Samiullah Shah, advocate for the applicant
Mr. Muhammad Iqbal Awan, Additional Prosecutor General
SIP Fida Hussain

Mohammad Karim Khan Agha, J:- Applicants Saeed Ahmed and Alam @ Shah were booked in FIR No.162/2024 under Section 392, 397, 34 PPC registered at PS Maripur, Karachi. They applied for pre arrest bail before the Court of Additional Sessions Judge-IV (West) Karachi which was declined vide order dated 12.08.2024. Hence the applicants approached this Court for pre arrest bail.

2. Brief facts of the case are that complainant Muhammad Jee alongwith his grandfather Wazeer on 13.7.2024 had left from Gate No.5, Gali No. 4, new Truk Mauripur Adda, when at about 08.30 p.m. two unknown persons, on show of arms, snatched Rs.10,000/- and two mobile phones, hence, the aforesaid FIR was lodged against the present applicants.

3. I have heard learned counsel for the applicants. Learned Addl. Prosecutor General Sindh has opposed the grant of the instant bail. The complainant has been served who has preferred to remain absent.

4. At the very outset, it is noted that the offence for which the applicants have been charged is less than 10 years imprisonment and the general rule is that bail should be granted in such like cases unless exceptional circumstances exist. There is no exceptional circumstance existing in this case in order to decline the bail. FIR of the incident has been lodged against two unknown persons and no sufficient *Hulia* was given either of the persons, one of which the applicant was arrested 05 days after the incident in another case who surprisingly confessed his guilt in this case. He has not been taken before the Magistrate to record his confession despite being placed before identification parade. No recovery

of any sort was made from the applicants and it is surprising to note that the applicant confessed to the case which carried a sentence greater than the case in which he was already booked when there is no evidence against the applicant.

5. Based on the above discussion, I find this case to be one of the further inquiry and hereby grant the applicants post-arrest bail subject to furnishing their surety in the sum of **Rs.100,000/-** each and P.R. bond in the like amount to the satisfaction of the trial Court.

6. This order is based only on a tentative assessment of the evidence and the learned trial Court shall proceed and decide the case on merits expeditiously within three (04) months of the date of this order. Copy of this order shall be sent to the IVth- Judicial Sessions Judge Karachi, West, for compliance.

7. The instant criminal bail application stands disposed of in the above terms.

JUDGE