

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Application No.2009 of 2024.

| | |
|------|--------------------------------|
| Date | Order with signature of Judges |
|------|--------------------------------|

For hearing of Bail Application.

04.10.2024.

Mr. Afzaal Ahmed Walana, Advocate for the Applicant.
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General.
Mr. Mazhar Abbas Wako, Advocate for the Complainant.
SIP Naveed Akhtar, PS SSHIA (East) Karachi.

Mohammad Karim Khan Agha, J:- Applicant Shahbaz Latif was booked in FIR No.729/2024 under Section 397/34 PPC registered at PS SSHIA, Malir Karachi. He applied for post arrest bail before Court of VIIIth Additional Sessions Judge Malir Karachi which was declined vide order dated 27.08.2024. Hence the applicant approached this Court for post arrest bail.

2. Brief facts of the case as per FIR are that the complainant running a dairy farm business and on 28.06.2024 at about 0020 hours when he was at his home received information that cattle was being stolen and when he reached the Farm / Barha Muhammad Raheem, Muhammad Suleman who were from local mohalla informed him that four persons came with arms and by force loaded cows, calf, sheep, goad and fled away. It came to his knowledge Bari Peyo Jokhio along with 03 other unknown persons had committed the aforesaid offence. Hence the instant FIR was lodged.

3. I have heard learned counsel for the applicant, learned Addl. Prosecutor General Sindh and learned counsel for the complainant.

4. Applicant is not named in the FIR and no specific role is assigned to him. According to the learned counsel for the applicant he was involved in this case just on the basis of statement of his co-accused. It is well settled now that the statement of co-accused against another co-accused has no

evidentiary value. Applicant has also not been put in an identification parade and no recovery was made from him. However the maximum sentence available for the offence under which the applicant has been charged is 07 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. Section 173 statement has been accepted by the trial Court and as such applicant is no longer required for investigation. Complainant present in Court also states that he has no objection if the bail is granted to the applicant.

6. Based on the above discussion, applicant **Shahbaz Latif s/o Dost Muhammad** is admitted to post arrest bail subject to furnishing his solvent surety in the sum of Rs.1,00,000/- (Rupees One Lac) and PR Bond in the like amount to the satisfaction of the Nazir of the concerned trial Court.

7. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the trial of the applicant. Learned trial Court shall decide the matter expeditiously. Copy of this order shall be sent to 8th Additional Sessions Judge Malir Karachi for compliance.

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

JUDGE

MAK/PS