

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**  
**Cr. Bail Application No.395 of 2024.**

Date	Order with Signature of Judge
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For hearing of Bail Application.

**03.04.2024.**

M/s. Ali Gohar Masroof and Iqbal Hussain, advocates for the Applicants.

Mr. Mumtaz Ali Shah, Addl. Prosecutor General Sindh.

SIP Muhammad Hasssan, PS Surjani Town, Karachi.

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***Muhammad Karim Khan Agha, J.*** Applicant Wali Dad is facing trial before the Additional Sessions Judge-III (West) Karachi in respect of Crime No.1041 of 2023 under sections 397/392/34 PPC registered at PS Surjani Town, Karachi. He applied for post arrest bail which was declined by the Additional Sessions Judge-III (West) Karachi vide order dated 02.12.2023. Hence he has approached this Court for post-arrest bail.

2. Brief facts of the case are that the complainant on 20.10.2023 with his friends coming from Norani towards his home in his Hi-Roof whilst 03 persons on motorcycle intercepted him and robbed the complainant and his other accompanying fellows under force of arms and made their escape good. Hence the aforesaid FIR was lodged against the unknown persons.

3. I have heard the learned counsel for the parties and perused the record. It is noted that the complainant has been served but he preferred to remain absent.

4. The offences under which the applicant has been charged carry maximum sentence of less than 10 years in jail and in such likes cases the general rule is that bail should be granted unless exceptional circumstance exists which justify the refusal of bail. In this case exceptional circumstance do exists. Now a days street crime are on the rise in the city and it is needed to be deterred. However, according to the learned Addl. P.G. applicant was implicated in this case on the statement of co-accused which has no evidential value. There upon the applicant was arrested but no recovery was made from him. Furthermore no identification parade was held to show that the applicant was actually involved in the aforesaid crime. Hence, I find that this is to be a case of further inquiry. It is also noted that the applicant has been in jail for last

04 months and the charge has not even been framed against him. Applicant is no longer required for further investigation.

5. Based on the above discussion, applicant **Wali Dad s/o Azeem Khan** is admitted to post arrest bail subject to furnishing his solvent surety in the sum of Rs.2,00,000/- (Rupees Two Lacs Only) 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 to decide the case on merits expeditiously. Copy of this order shall be sent to concerned trial Court for compliance.

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

JUDGE

MAK/PS