

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No.1472 of 2022
Cr. Bail Application No.1674 of 2022

Date	Order with signature of Judges
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For hearing of main case

22.09.2022.

Mr. Ghulam Shabbir Babar, Advocate for the Applicant.
Mr. Ali Haider Saleem, Addl. Prosecutor General Sindh.

Mohammad Karim Khan Agha, J. Applicant Saeed Ali Abbasi son of Hussain Bux was being tried before the Anti-Terrorism Court No.IV (Central Prison) Karachi in Special Case No.252 of 2022 in respect of FIR No.460 of 2022 for an offence under Section 353/324/186/34-PPC r/w Section 7 of ATA 1997 and Special Case No.252-A of 2022 in respect of FIR No.461 of 2022 for an offence under Section 23(I)A Sindh Arms Act, 2013 both registered at PS Shah Latif Town, Karachi .

2. Applicant had applied for post arrest bail before the aforesaid trial Court which was dismissed vide order dated 05.07.2022 hence he has approached this Court for post arrest bail in respect of both the aforesaid FIRs.

3. Brief facts of the case are that on 15.04.2022 SIP Muhammad Ashraf along with his subordinate staff was busy in patrolling looking for absconders. Whilst on patrolling, police party came across three persons in suspicious condition boarded on two motorcycles, police signaled them to stop but they failed to do so and started firing upon the police, in return police party opened firing on the applicant and others in their self-defense and as a result of which the applicant was injured and fell down from the bike and was arrested on the spot hence the aforesaid FIRs have been registered against him.

4. We have heard learned counsel for the applicant and Addl. Prosecutor General Sindh and perused the record.

5. The main offence falls within the non-prohibitory clause and we find that the applicant was arrested on the spot in

injured condition as proven by the medical certificate. A pistol was recovered from him on the spot along with empties at the crime scene which were when sent for FSL produced positive report. It is noted that there are 06 different FIRs registered against the applicant in different parts of Sindh in respect of similar type cases. Applicant claims false implication in the aforesaid FIRs as the wife of the applicant had filed a petition under Section 491 Cr.PC stating that the applicant had been taken away by the police. We note that the petition was filed on the same day as the FIRs and in our view prima facie it appears that this was filed as camouflage so the same could be used in defence of the applicant in respect of these cases.

6. For reasons discussed above, we find that there is sufficient evidence to link the applicant to commission of the crimesW for which he has been charged as such both the post arrest bail applications are dismissed.

7. It goes without saying that this order is based only on a tentative assessment of the available record and shall have no bearing on the trial which shall be decided on merits based on the evidence produced before the trial Court.

8. Trial Court is directed to complete the trial of the aforesaid cases expeditiously and record the statements of material witnesses at the earliest. Copy of this order shall be sent to learned Judge Anti-Terrorism Court No.IV, (ATC Judicial Complex, Central Prison) Karachi for information and compliance.

9. Both the Criminal Bail Applications stand disposed of in the above terms.

JUDGE
JUDGE