

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appl. No.2789 of 2023

Date	Order with signature of Judges
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For hearing of bail application.

25.03.2024.

Syed Imtiaz Ali Shah, Advocate for the Applicant.
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General Sindh.
Complainant Shoukat Ali in person.

Muhammad Karim Khan Agha, J. Applicant Muhammad Mehboob @ Munnay is facing trial before the Vth Additional Sessions Judge (Central) Karachi in respect of Crime No.413 of 2023 u/s.397/392/34 PPC registered at PS Super Market, Karachi. He applied for post arrest bail which was declined by the 1st Additional Sessions Judge (Central) Karachi vide order dated 16.11.2023. Hence the applicant has approached this Court for post-arrest bail.

2. Brief facts of the case are that on 05.11.2023 complainant at 1900 hours was robbed at gunpoint by three persons on motorcycle who took away from him a mobile phone and some cash. The applicant was grabbed by the mohalla people and then he was arrested by the police whereby the stolen items were recovered from his possession hence the aforesaid FIR was lodged against the applicant.

3. I have heard the learned counsel for the parties and perused the record.

4. The offences for which the applicant has been charged all carry sentence of under 10 years in jail and in such like 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 exists which justifies the refusal of the grant of bail as the street crimes are rising in the Karachi city and is need to be deterred. Applicant was arrested on the spot and recovery was also made from him, however, the complainant Shoukat Ali, who is present in Court, has no objection to the grant of

bail to the applicant as he wishes to enter into a compromise agreement with the applicant. Inquiry has been completed and the applicant is no longer required for investigation.

5. Under these circumstances when the parties are going to enter into a compromise agreement no useful purpose to keep the applicant in jail anymore. Applicant **Muhammad Mehboob s/o Abdul** is hereby granted post arrest bail subject to furnishing 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 with the matter and decide the case 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