

THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD.

CrI. Bail Appln: No. S-299 2018.

Salahuddin. Applicant.

Versus.

The State. Respondents.

Mr. Muhammad Shafique Khan, Advocate for Applicant.

Ms. Safa Hisbani, APG.

Date of hearing and order 05.06.2018.

O R D E R

IRSHAD ALI SHAH, J. It is alleged that the applicant was found retaining dishonestly robbed motorcycle of FIR crime No.11 of 2018 under Section 395, 342 PPC of P.S. Rahoki for that he was booked and challaned in the present case.

2. On having been refused post-arrest bail by the learned Trial Court, the applicant has sought for the same from this Court by making the instant bail application under section 497 Cr.P.C.

3. It is contended by the learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police, there is no independent witness to the incident, the applicant is in custody since two months and the motorcycle said to be robbed was not secured from the exclusive possession of the applicant. By contending so he sought for release of the applicant on bail as according to him his case is calling for further inquiry.

4. Learned APG has opposed to grant of bail to the applicant by contending that the offence is heinous in its nature.

5. I have considered the above arguments and perused the record.

6. Admittedly, the motorcycle the subject matter of the present case was found standing by the side of the applicant and perhaps in that context it is being contended by the learned counsel for the applicant that the applicant was not found in exclusive possession whereof. If for the sake of argument it is believed that the applicant was found to be in exclusive possession of the motorcycle the subject matter of the present case even then there is nothing on record which may suggest that he was found retaining the same dishonestly knowing that it was robbed property. The applicant is in custody since two months without any active progress in the case. There is no chance of tampering with the evidence as all the witnesses of the prosecution are police officials. In these circumstances, it is rightly being contended by learned counsel for the applicant that the applicant is entitled to be released on bail as his case is calling for further enquiry.

7. In view of above, the applicant is admitted to bail subject to his furnishing surety in the sum of Rs.50,000/= and PR bond in the like amount to the satisfaction of learned trial Court.

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

J U D G E

Ahmed/Pa