

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**

Cr. Bail Application No.D-28 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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P R E S E N T:

Mr. Justice Muhammad Junaid Ghaffar.

Mr. Justice Amjad Ali Sahito.

1. *For orders on office objection.*

2. *For hearing.*

Mr. Altaf Hussain Chandio, Advocate for applicant/accused.

Mr. Pervaiz Tariq Tagar, Advocate for complainant.

Mr. Shahzado Saleem Nahiyoon, D.P.G

O R D E R

AMJAD ALI SAHITO, J:- Through this Criminal Bail Application, applicant Abdul Wahab S/o Abdul Ghafoor Abbasi seeks post-arrest bail in Crime No.204 of 2017, registered at P.S A-Section, Shaheed Benazirabad, under Section 385, 504 r/w Section 6/7 of Anti-Terrorism Act, 1997, after his bail plea has been declined by the Special Judge, Anti-Terrorism Court, Shaheed Benazirabad, vide order dated 06.06.2018.

2. Concisely, the facts as unfolded in the FIR are that, on 21.06.2017 complainant Ghulam Nabi lodged FIR, stating therein that he is Manager in Thelassemia Centre, Nawabshah, where one Mujeeb-ur-Rehman is an operator. Prior to lodging FIR, accused Abdul Wahab used to demand Rs.500,000/- as *Bhatta* from him and on refusing he shall face consequences. On

21.06.2017 at 11:00 a.m., complainant alongwith Mujeeb-ur-Rehman were sitting in their centre, the accused came there and took out pistol from his fold and asked the complainant to give him Bhatta of Rs.500,000/- otherwise he shall face dire consequences and shall destroy Thelassemia Centre, so also cause harm to the patients. The complainant beseeched the accused and kept on false hopes, hence, he lodged this FIR.

3. Learned Counsel for the applicant contended that the applicant has been implicated in the present crime by the complainant malafidely and with ulterior motives; that there were many cameras installed in Thelassemia Centre but no any video recording has been produced by the complainant with regard to entrance of the applicant in the centre; that Thelassemia Centre is situated in a populated area and the police force alongwith other workers are posted there but the complainant did not call any official to witness the incident, which creates doubt in complainant's story; that the applicant is an advocate and law abiding citizen and he has no need to indulge in such kind of activities; that there is no evidence on record regarding demanding of *Bhatta* by the applicant; that the FIRs already lodged against the applicant have been disposed of under "C" class; therefore, in such situation the case of the applicant requires further inquiry and he prays that the applicant may be admitted on bail. Learned Counsel in support of his arguments has relied upon the cases of *Zooma-ur-Rehman & 02 others V/s. The State* (2002 YLR 1752) and *Abdul Razzaq Mania V/s. The State* (1988 SCMR 653).

4. Learned D.P.G has vehemently opposed to the grant of bail as the applicant has committed the crime which is detrimental against the society and admitting him on bail would frustrate the complainant party as so many FIRs are shown to have been registered against the applicant.

5. While rebutting the above contentions, the learned Counsel for the complainant argued that the applicant/accused is nominated in the FIR with specific role for demanding *Bhatta* and the number of FIRs are registered against him. He further submits that no malafide has been attributed to the complainant to believe that applicant/accused has been falsely implicated in this case. Lastly, he prayed for dismissal of bail.

6. Heard learned Counsel for the applicant, learned Counsel for the complainant and learned D.P.G as well as perused the material available before us.

7. It is an admitted position that during the course of investigation, the Investigating Officer has not collected any independent evidence against the applicant/accused to connect him in commission of the alleged offence, though it transpires from the FIR that the place of incident is Thallasemia Centre, where so many people were present including police force but not a single person has been examined by the Investigating Officer in this case. Furthermore, the F.I.Rs produced by the complainant against the applicant/accused having no substance. As per learned Counsel for the applicant/accused, these FIRs have been disposed of in "C" Class. Now it is yet to be seen as to whether the

applicant/accused has demanded *Bhatta* from the complainant or not, it will be decided by the trial Court when the evidence will be adduced by the prosecution. The applicant/accused is no more required for further investigation as the challan has been submitted against him before the trial Court and no fruitful purpose would be served if the applicant/accused is kept behind the bars for indefinite period.

8. In view of the above facts and circumstances, the case of the applicant/accused is one of further inquiry in terms of Sub-Section 2 of Section 497 Cr.P.C. Accordingly, vide short order dated 26.06.2018, the instant bail application was allowed and the applicant/accused was admitted to bail, subject to his furnishing a solvent surety in the sum of Rs.100,000/- (One Lac) and P.R Bond in the like amount to the satisfaction of the learned trial Court. These are the reasons for the said short order.

9. Needless to mention that the observations made herein above are tentative in nature and would not prejudice the case of either party at trial.

JUDGE

JUDGE