

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

Cr. Bail Application No.S-705 of 2017.

DATE	ORDER WITH SIGNATURE OF JUDGE
<u>03.10.2017.</u>	<p style="text-align: center;">For hearing.</p> <p>Mr. Jamsheed Mari, Advocates for the applicant. Mr. Shahid Ahmed Shaikh, D.P.G for the State. None present for the complainant.</p> <p style="text-align: center;">===</p> <p><u><i>ABDUL MAALIK GADDI,J-</i></u> Having remained unsuccessful in obtaining his release on bail from the trial Court in crime No.67 of 2017, registered under section 394, PPC of P.S. Umerkot City, the applicant Naveed s/o Abdul Waheed is now seeking his release on bail through instant bail application.</p> <p>2. The allegation against the applicant/accused is that on the date and time of the incident, the present applicant/accused alongwith other accused duly armed with pistol has robbed CD-70 motorcycle from the complainant party and went away.</p> <p>3. It is stated by learned counsel for the applicant/accused that case against the applicant/accused is false and has been registered due to enmity. He further submits that the F.I.R. is delayed by three days, for which, no explanation has been furnished, as such, he is of the view that perhaps the incident has not taken place in a fashion as alleged in the F.I.R. He further submits that co-accused Sikandar, Muhammad Alam Javeed and Rattan have been granted bail by this Court as well as trial Court and the case of present applicant is on better footing, as the applicant has not caused any injury to the complainant party and it is yet to be determined at the time of evidence whether the applicant is involved in snatching of motorcycle from the complainant till then according to learned counsel, the case of present applicant requires further inquiry.</p>

4. Learned D.P.G. has opposed this bail application on the ground that name of the present applicant is appearing in the F.I.R. with specific allegation that this applicant alongwith co-accused collectively robbed the motorcycle from the complainant and also an amount of Rs.4000/-.

5. Arguments heard and record perused meticulously so made available before me.

6. It is an admitted position that case has been challaned and applicant is no more required for further investigation. The allegation against the present applicant is that on the day of incident, this applicant duly armed with pistol has snatched the motorcycle alongwith co-accused from the complainant party. The record reflects that the incident had taken place on 14.7.2017 and the F.I.R has been registered on 17.7.2017 after delay of three days, for which, no satisfactory explanation has been furnished by the complainant. Co-accused Sikandar, Muhammad Alam Javeed and Rattan have been granted bail by this Court as well as trial Court and the case of present applicant appears to be on better footing to the effect that he did not cause any injury to the complainant party and it is yet to be determined at the time of trial whether this applicant alongwith co-accused has forcibly snatched the motorcycle from the complainant. This fact or otherwise requires further probe. The accused has been challaned under section 394, PPC, for which the punishment is provided under PPC that shall not be less than four years and not more than ten years, thus, it appears that at bail stage lesser punishment is to be considered as held by the Hon`ble apex Court in the case reported as 1997 SCMR 500.

7. What has been discussed above, I am of the view that applicant has made out a case for bail at this stage. I, accordingly allow this bail application and applicant is admitted to bail, subject to his furnishing solvent surety in the sum of Rs.50,000/-[Rupees fifty thousand] and PR bond in the like amount, to the satisfaction of trial Court.

8. Before parting with this order, it is made clear that observation made herein above, if any, is tentative in nature and shall not affect the merits of the case.