

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No.1210 of 2018

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

For hearing of bail application

11.01.2019

Mr. Khalid Hussain Shar, Advocate for the applicant.
Mr. Sam Sam Ali, advocate fro complainant.
Ms. Robina Qadir, State Counsel.

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Through the instant bail application, applicant/accused Naushad Ali son of Hakim Ali, , seeks bail after arrest in FIR No.73/2018, under Sections 395/39/34 34 PPC registered at police station Soldier Bazar, Karachi.

2. Brief facts of the prosecution case as disclosed in the FIR are that six persons on three motorbike came in front of a bank where injured Fida Ali was standing with his brother-in-law Ghulam Mustafa and they attempted to rob Fida Ali, who immediately handed over his mobile phone to them and the accused party demanded money and in the process applicant opened fire on the brother-in-law of the complainant, who received injury in his thigh. All other accused ran away and the applicant was arrested alongwith the weapon by the mob gathered on the spot. It is also stated in the FIR that the applicant was beaten by the public as within no time several persons were gathered at the spot.

3. Learned counsel for the applicant states that accused has been arrested due to personal enmity by the police and it was not a case of robbery. He further contends that nothing has been recovered from the accused though allegedly he was arrested on the spot and even his name is

not mentioned in the FIR, which corroborate with the proposition that it is doubtful case of further inquiry.

4. Ms. Robina Qadir learned State counsel opposed the bail application on the ground that applicant is involved in other cases. She has not been able to point out whether other cases against the applicant or pending / disposed and what is stage of proceedings. Detail of cases is not mentioned in the CRO available with her. It has been specifically ordered by this Court in earlier cases that in all challan submitted by the police in every Court throughout Sindh the prosecution should mention the details of the cases in which the accused already facing trial or they have faced but unfortunately that directions of this Court has not been complied with at least in the challan against applicant, copy whereof is filed with this bail application. Be that as it may, counsel for the complainant has also pointed out that despite the fact that the police have arrested the accused from the public spot and despite the fact applicant has been beaten by the public at the spot, strangely not a single private person has been shown as witness to the incident in the charge sheet. Learned counsel for the applicant has relied on the case of *Gul Babar and another ..Vs.. the The State* **2011 P.Cr.L.J 985** & *Arslan alias Shani ..Vs.. The State and another* **2017 YLR Note 125**. One case is on the point that when there was no recovery of any allegedly robbed property from the accused/applicant and in the other case is on non-association of private witnesses makes out a case of further inquiry. In the case of applicant though he was arrested on the spot he is not even nominated in the FIR.

5. In view of the above facts and case law, and particularly lack of support from the prosecution to oppose this bail application by placing on

record CROs with complete detail of each case against the applicant, this bail application is granted subject to furnishing solvent surety in the sum of Rs.2,00,000/- (*Rupees Two Hundred Thousand*) and P.R bond in the like amount to the satisfaction of trial Court.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant/accused on merits.

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JUDGE