

2. Brief facts of the case as spelt out from the FIR are that on **15.09.2018** complainant Muhammad Mithan was standing at main Korangi Road, Opp: Sabzazar Nursery Crossing, Phase-I cut, DHA Karachi, when at about 0045 hours two younger persons wearing shalwar qameez on a motorcycle came to him and took out their weapons and pointed upon him and snatched two mobile phones and Q-mobile and Nokia, Color Copy of CNIC, Rs.1800/- cash and when they tried to flee, meanwhile police mobile of P.S Defence came there and on seeing police the complainant shouted, the police official Shabbir Ahmed immediately chased the said persons and on some

distance the motorcycle of the accused persons has slipped and they fallen down, the police party apprehended one person while the other one fled away. On enquiry, the apprehended accused disclosed his name as Moeed son of Nisaruddin (the present applicant). He also disclosed name of his companion as Aslam. On his personal search, one color copy of CNIC of complainant, two mobile phones were recovered from his gameez pocket while one 30 bore pistol without number load magazine 04 rounds live were also recovered from his nefa. Recovered articles and motorcycle were taken into custody, thereafter FIR was lodged by the complainant.

3. The counsel for applicant has contended that the applicant/accused is innocent and has been falsely implicated by the police with malafide intention and ulterior motives. He further contended that the applicant/accused has been involved in this false case due to refusal of payment of gratification amount. He lastly prayed for grant of bail to the applicant/accused.

4. Conversely, Ms. Rahat Ahsan, Additional P.G for the State has opposed the bail application.

5. I have considered the arguments advanced by the counsel for the parties and examined the contents of FIR and challan. I have noted from the record as follows:-

- (i) In the challan, even number of robbed mobile phones of complainant has not been mentioned;
- (ii) There is no particulars of the EMEI number regarding mobile phones;
- (iii) The incident took place in a thickly populated area but no independent eye witness has been mentioned in the FIR.

6. The above grounds are enough to admit the applicant/accused on bail, consequently, instant bail application is allowed. The applicant Moeed Nisar Khan son of Nisar uddin is admitted to bail subject to furnishing solvent surety in sum of **Rs.100,000/-** (Rupees one hundred thousand only) and PR bond in the like amount to the satisfaction of the learned trial Court.

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

JUDGE

Ayaz Gul