

Date _____ Order with signature(s) of Judge(s) _____

Applicants : Khalid son of Manzoor
through Mr. Malik Muhammad Tariq, advocate.

The State : Through Ms. Rahat Ahsan,
Additional Prosecutor General, Sindh.

Date of hearing : **01.02.2019**

Reasons/Decision: **01.02.2019**

NAZAR AKBAR, J. The applicant is facing trial in Crime/FIR No.357/2018 under Sections 39/34 PPC registered at P.S. Korangi, Karachi. The applicant after failing to obtain post arrest bail from the Court of III-Additional Sessions Judge, East Karachi, preferred this bail application.

2. Brief facts of the case as spelt out from the FIR are that on **05.09.2018** complainant Ghulam Ali Solangi was returning from his workplace to his residence, at about 2050 hours when he reached at double road near Bismillah Stop, Korangi, Karachi, four persons on two motorcycles intercepted him. They on the force of weapon snatched cash Rs.600/- as well as two mobile phones viz “LG” and “China” from him and fled away. The complainant raised hue and cry due to which general public gathered at the spot. Call at 15 was also made. In the meanwhile, police mobile reached at the crime scene and the police party headed by ASI Shabbir took the complainant and started chasing

the culprits. At some distance, complainant pointed out all the four culprits who were going on two motorcycles. ASI Shabbir succeeded to apprehend two of the culprits while two made their escape good. Thereafter ASI Shabbir inquired the names of apprehended culprits, who disclosed their names as Essa son of Jafar and Khalid son of Manzoor (present applicant). They disclosed the names of their absconding companions as Usama son of Zaheer Ahmed and Saad. Thereafter ASI Shabbir conducted their personal search and secured one TT pistol 30 bore alongwith loaded magazine containing three live bullets from the accused Essa son of Jaffar. He was also found in possession of the snatched mobile "LG". The other accused Khalid (present applicant) was found in possession of the snatched amount of Rs.600/- as well as mobile phone "China", therefore, FIR was lodged.

3. This routine frivolous case against the applicant under Section 392 PPC is registered by the police officials apparently through their tout. The allegation of arrest of the accused on the spot and recovery of mobile phones and Rs.600/- of the complainant appears to be a doubtful case for the following reasons:-

- (i) In the challan, number of the mobiles identified by the complainant who claimed that he has been robbed of his mobile phones and recovered from the applicant/accused has not even mentioned;
- (ii) There is no particulars of the EMEI number regarding mobile phones;
- (iii) It is also alleged in the FIR that somebody has informed the police on helpline 15 but no entry to police on 15 is available nor it is identified that who had made a phone call to police helpline;
- (iv) Though it is stated that mob has been gathered to arrest the accused party, even the person who had reported the incident

to the police on helpline has not been mentioned as witness in the challan.

4. The above grounds are enough to admit the applicant/accused on bail, consequently, the applicant Khalid son of Manzoor 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.

5. 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