

Date \_\_\_\_\_ Order with signature(s) of Judge(s) \_\_\_\_\_

Applicants : Amir son of Muhammad Naeem  
through Mr. Ayaz Ali Hingoro, advocate.

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

Date of hearing : **13.02.2019**

Date of Decision : **13.02.2019**

**NAZAR AKBAR, J.** The applicant is facing trial in Crime/FIR No.163/2018 under Sections 392/411/34 PPC registered at P.S. Eidgahi, Karachi. The applicant after failing to obtain post arrest bail from the Court of XII-Additional District and Sessions Judge, South Karachi, preferred this bail application.

2. Brief facts of the case as spelt out from the FIR are that on **19.08.2018** complainant Mansoor Ahmed Butt was going to Safety Sweet House, Nishtar Road, Karachi, meanwhile young boys came on two motorcycles and pointed out pistol and directed him to give valuables and snatched purse of brown color having Rs.1000/- cash and color copy of CNIC and various documents and Nokia phone blue color from him and fled away. Subsequently, he called at 15 Madadgar to which police party of P.S Eidgah came there and complainant narrated whole story to which police chased the culprits and at Pankha street two persons on motorcycle were crushed by police mobile and

they fallen down and one of them escaped away on motorcycle while the other apprehended. The arrested accused disclosed his name as Amir @ Kala (the present applicant) and name of other as Shahzad. On personal search, 30 bore pistol loaded magazine and two live rounds, brown color purse alongwith Rs.1000/- and CNIC of complainant so also Rs.150/- were recovered from the possession of accused Amir. One 30 bore pistol load magazine two live rounds, mobile phone Nokia blue color and Rs.200/- cash and 35 tokens of heroin were recovered from left pocket of accused Shahzad. Police party through wireless enquired about the motorcycle to which it came into their knowledge that the same was theft from one Liaqat Ali from P.S Nabi Bux, thereafter accused were brought to police station and FIR was lodged.

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 place of incident is thickly populated area but no independent witness has been associated which makes the case doubtful. He argued that no identification parade of applicant/accused was held. 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 phone of complainant has not been mentioned;
- (ii) There is no particulars of the EMEI number regarding mobile phone;

- (iii) It is also alleged in the FIR that the complainant has informed the police on helpline 15 on a cell phone of passerby but no entry to police on 15 is available nor it is identified that from whose cell phone complainant has made a phone call to police helpline;
- (iv) It was a day time 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 Amir son of Muhammad Naeem 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