

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

2. Brief facts of the case as spelt out from the FIR are that on **19.08.2018** complainant Muhammad Shahzad was travelling with his wife on motorcycle for purchasing the cow from Ismail Goth Sharafi Goth, Malir, Karachi, when they reached Shah Khalid Puliya Landhi, three persons came from their back side and told them to stop and pull out the pistol and snatched Appo Mobile and Rs.100,000/- cash by force from the complainant and fled away. The complainant then called on 15 madadgar by the cell phone of passerby and then a mobile of PS Landhi reached and chased the culprits and after some distance arrested two culprits, however, one of them has absconded. On enquiry

they told their names as Waqar son of Arif (present applicant) and Abdullah son of Habibullah and they disclosed the name of absconding accused as Zia Islam and told that snatched mobile phone and cash Rs.100,000/- was lying with absconded accused, therefore, 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 in fact the complainant and police failed to arrest the real accused, therefore, falsely nominated the applicant/accused in the instant crime. He argued that robbed articles have not been recovered from the possession of applicant/accused and no specific role has been assigned to the applicant/accused. 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) Neither robbed phone nor cash of Rs.100,000/- has been recovered from the possession of the applicant/accused.

6. The above grounds are enough to admit the applicant/accused on bail, consequently, instant bail application is allowed. The applicant Muhammad Waqar son of Muhammad Arif Hussain 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