

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No.103 of 2019

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

For hearing of bail application

04.02.2019

Mr. Ifran Hassan, advocate files power on behalf of applicant.
Ms. Rubina Qadir, D.P.G. Sindh
Mr. Mujahid Ali, advocate for Complainant.
I.O Jahangir Tanoli, present.

Through the instant bail application, applicant/accused Muhamamd Rashid son of Ashiq seeks bail after arrest in FIR No.403/2018, under Section 337-G PPC registered at police station SITE-B (West) Karachi.

2. Brief facts of the prosecution case as disclosed in the FIR are that on the basis of statement of Asif Mehmood recorded at Aga Khan Hospital, Operation Theatre on 23.11.2018 at 0045 hours an FIR No.403/2018 was lodged. It was stated by the complainant that he was on his duty when he received call from CHIPPA Ambulance that his brother Shahbaz had met an accident near Dalda Company Shershah Karachi and they had brought him at Civil Hospital. He reached there and found that left leg of his brother was fractured blow knee and his brother informed him that he was going towards Shershah when one vehicle KF-7187 driven by unknown driver hit him due to rash and negligent driving. He then brought his brother to Aga Khan Hospital when doctors are advising him that leg may be imputed. Since the injured was in O.T and was not in a position to give his statement, thus, FIR was lodged by the brother of victim. The vehicle bearing No.KF-7187 was later on seized and one Rashid was driver of the

same. Later on challan was submitted and on the basis of medical report Section 334 PPC was also impleaded.

3. The applicant/accused approached the learned VIIIth Additional Sessions Judge, West, Karachi, for post arrest bail, which was declined vide order dated 15.01.2019. Thereafter, the applicant approached this Court for grant of post arrest bail.

4. Learned counsel for the applicant contended that injured had no driving license, and injured had actually hit the vehicle of accused from backside. Learned counsel further contended that the applicant is innocent, no offence as alleged or otherwise has been committed by him, he has been involved in this false case in collusion with the police for ulterior motive. It is further contended that FIR was lodged after delay of 24 hours, sufficient time was with the complainant for consultation and prepare the program to falsely involved the innocent person which creates doubt in the prosecution case as such, concession of bail may be granted to the applicant. In support of his contentions, learned counsel for the applicant has relied upon **2017 SCMR 116** Wajid Ali..Vs.. The State and another, **2018 MLD 601** Saeid and another ..Vs.. The State and another and **2018 MLD 934** Mohsin Ali ..Vs.. The State and another.

5. Learned DPG Sindh assisted by learned counsel for the complainant opposed the bail application contending that the applicant has committed the offence as such he is not entitled to concession of bail. They opposed the bail application.

6. After hearing the learned counsel for the parties and going through the record, it has been noticed that the applicant is not previous convict nor a hardened criminal and the complainant's brother has received injury in road accident. There is no allegation of enmity. There is no likelihood of applicant to influence the prosecution witnesses. The applicant is behind the bars for more than two months. He is no more required for further investigation; therefore, no useful purpose would be served by keeping the applicant behind the bars for indefinite period.

7. In view of the above, concession of bail is extended to the applicant/accused Muhammad Rashid son of Ashiq subject to his furnishing solvent surety in the sum of Rs.2,00,000/- (*Rupees One Hundred Thousand*) and P.R bond in the like amount to the satisfaction of trial Court.

8. 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.

JUDGE

SM