

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

**Criminal Bail Application No.1695 of 2018**

Date	Order with signature of Judge
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For hearing of bail application.

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**12.03.2019**

Rao Taj Muhammad Khan, advocate alongwith applicant.  
Ms. Rahat Ahsan, Additional P.G.

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**NAZAR AKBAR, J.** The applicant/accused is facing trial in Crime No.414/2018 under Section 392/34 PPC registered at P.S. Gulberg, Karachi. The applicant after failing to obtain bail from the Court of VI-Additional District and Sessions Judge, Central Karachi has preferred this bail application.

2. Brief facts of the case as spelt out from the FIR are that on 02.12.2018 the complainant was going on his motorcycle, when he reached at Ibrahim Masjid, Block-6, F.B Area, Karachi, all of a sudden three persons stopped him and snatched mobile phone and his wallet containing Rs.600/- cash and color copy of his CNIC. The complainant has shown his resistance, consequently two persons were apprehended, while their third companion has escaped. The public started beating the apprehended persons. In the meantime, police reached there and taken them in custody. On enquiry, they disclosed their names as Irfan and Hamza. From their personal search, the police officer secured 30 bore pistols from each accused and so also robbed articles. The apprehended persons also disclosed to police that their third escaping companion was Syed Airaz Zaidi S/o Syed Haider Abbas (the applicant herein), therefore, FIR was lodged.

3. Learned counsel for applicant has contended that the applicant/ accused is innocent and has been falsely implicated by

the police in the instant case. He further contended that the applicant/ accused is not named in the FIR. He pointed out that no any robbed articles were recovered from the applicant/accused, therefore, he prayed that the applicant/ accused is entitled for grant of bail.

4. Conversely, Ms. Rahat Ahsan, Additional P.G for the State has vehemently opposed the bail application on the ground that the applicant/ accused is habitual offender and is also booked in some other FIRs, therefore, he is not entitled for concession bail.

5. From perusal of available record and consideration of arguments advanced by the parties, I have noted that:-

- i. The applicant/accused was not arrested on the spot and he was named by the co-accused, though there is no description of the applicant in the FIR.
- ii. No alleged robbed articles were recovered from the applicant/ accused.
- iii. The alleged offence does not fall within the prohibitory clause of Section 497 Cr.P.C.
- iv. The case has already been challaned and the applicant/ accused is no more required for further investigation.

6. In view of the above facts and circumstances, the bail before-arrest earlier granted to the applicant by this Court by order dated **14.12.2018** is hereby confirmed on same terms and conditions. The applicant/accused should cooperate with I.O and attend the 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