

Order Sheet
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

Criminal Bail Application No. S- 427 of 2019

Nazeer Ahmed	-----	Applicant.
	Vs.	
The State	-----	Respondent

Date of Decision: 28.06.2019

Mr. Aziz Ahmed Leghari, advocate along with applicant.
Mr. Shahid Ahmed Shaikh, D.P.G.
Mr. Sikandar Ali Kolachi, advocate for complainant.

ORDER

IRSHAD ALI SHAH, J: - It is alleged that the applicant with rest of the culprits after keeping complainant and his witnesses under fear of death and wrongful restraint robbed complainant and his witnesses of their belonging for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Sessions Judge, Mirpurkhas, has sought for the same from this court by way of instant application under Section 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant, his name is not appearing in FIR, the pistol has been foisted upon the applicant, there is no recovery of robbed property from the applicant and his involvement in this case on the basis of identification parade is appearing to be doubtful. By contending so, he sought for grant of bail to the applicant on point of further inquiry.

4. Learned D.P.G for the State and the learned counsel for the complainant have sought for dismissal of the instant application by contending that the applicant has committed the offence which is affecting the society at large.

5. I have considered the above arguments and perused the record.

6. The FIR of the incident has been lodged with the delay of 18 hours; same as such could not be lost sight of. The name and description of the applicant even otherwise are not appearing in FIR, which appears to be significant. The identity of the applicant on second day of his arrest through identification parade is appearing to be doubtful. The recovery of the pistol on third day of arrest of the applicant could also be judged with doubt. There is no recovery of robbed article from the applicant. In these circumstances, the guilt of the applicant obviously is calling for further inquiry.

7. In view of above, the applicant is admitted to bail subject to his furnishing surety in the sum of Rs.100,000/ (one lac) and PR bond in the like amount to the satisfaction of learned trial court.

8. The instant bail application is disposed of in above terms.

JUDGE