

# IN THE HIGH COURT OF SINDH AT KARACHI

PRESENT:

***Mr. Justice Amjad Ali Sahito***

Criminal Bail Application No.876 of 2019

Applicant : Syed Muhammad S/o Syed Abdul Hassan  
Through Ms. Zainab Khan, Advocate

Complainant : Noshad Hussain S/o Dilawar Hussain  
Through Mr. Ghulam Ali Khan, Advocate

Respondent : The State  
Through Mr. Ali Haider Saleem,  
Deputy Prosecutor General, Sindh

Date of Hearing : 08.07.2019

Date of Order : 08.07.2019

## **ORDER**

**AMJAD ALI SAHITO, J:-** Through this application, applicant/accused seeks post-arrest in FIR No.54/2019 for the offence U/s 380/457/458/427/109/34 PPC registered at Police Station Defence, Karachi. This bail application is directed against the order dated 31.05.2019 passed by the learned IInd Additional Sessions Judge, Karachi South, whereby the post-arrest bail application of the applicant/accused was dismissed.

2. The brief facts of the case have already been mentioned in the bail application as well as FIR, therefore, there is no need to reproduce here.

3. Learned counsel for the applicant/accused mainly contended that the applicant/accused is innocent and has falsely been implicated in this case with malafide intentions and ulterior motives; that the name of the applicant/accused is not mentioned in the FIR and nothing has been recovered from the possession of the applicant/accused in this case; that the applicant/accused is involved in the commission of offence on the statement of main accused which is inadmissible in accordance with law. She lastly prayed that applicant/accused may be granted post-arrest bail.

4. On the other hand, learned DPG for the State duly assisted by learned counsel for the complainant vehemently opposed for grant of

bail to the applicant/accused and contended that the applicant/accused involved in the commission of offence and his fingerprint was obtained from the place of incident which connects the applicant/accused in the commission of offence, therefore, he is not entitled to concession of bail.

5. I have heard the learned counsel for the parties and perused the material available on record. It is admitted fact that the name of applicant/accused does not transpire in the FIR and if any role has been assigned against main accused Manzoor Ahmed, after registration of FIR the applicant was arrested, but no incriminating articles were recovered from the possession of applicant/accused to connect him with the commission of alleged offence. Further, the applicant/accused has been involved in light of the statement given by co-accused which is inadmissible in view of Article 38 of Qanoon-e-Shahadat Order, 1984. It is well-settled principle of law that at bail stage, only tentative assessment is to be made and deeper appreciation is to be avoided, as such, learned counsel for the applicant/accused has made out a case for further inquiry in terms of subsection (2) of Section 497 Cr.P.C. for grant of post-arrest bail. Accordingly, instant bail application is allowed. Applicant/accused namely Syed Muhammad S/o Syed Abdul Hassan is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.500,000/- (Rupees five lac only) with P.R. bond in the like amount to the satisfaction of the learned trial Court.

6. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

**J U D G E**

Kamran/PA