

ORDER-SHEET
**IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD**

Criminal Bail Application No.S-715 of 2018

Date of hearing: 29.03.2019.
Date of order: 29.03.2019.
Applicants: Zahid Ali and Shahid Khan through Mr. Rao Faisal Ali, advocate.
Respondent: The State through Mr. Shahid Ahmed Shaikh, Deputy Prosecutor General, Sindh.
Complainant: Naseem Tarique Arain through Mr. Mazhar Ali Leghari, advocate.

ORDER

Fahim Ahmed Siddiqui, J: - This order will dispose of instant bail application filed on behalf of the applicants named above, who are facing trial in Crime No.43 / 2018 of PS Daulatpur registered under section 395 PPC.

2. The allegations against the applicants are that on 11.07.2018, they duly armed with firearm weapons along with co-accused entered into the house of complainant and robbed 22 meter Boski cloth worth Rs.18000/-, two pair of ladies cloth, one golden ring of ½ tola, cash Rs.1,00,000/- and three Mobile Phones of Samsung Company.

3. Heard arguments. The learned counsel for the applicants has pressed the instant bail application in his arguments; learned D.P.G. has recorded no objection for grant of bail of applicant Zahid Ali while opposed the bail plea of applicant Shahid Khan. Learned counsel for the complainant resisted for dismissal of the bail application on the ground that the applicants have been specifically nominated by the complainant. In view of

the arguments and going through the case file, I have observed that;

- (a) Record reflects that the brother of applicant Shahid Khan namely Zahid, filed an application under section 491 Cr.P.C. before Ex: Officio, Justice of Peace, Shaheed Benazirabad on 17.07.2018 and as per report of Raid Commissioner / Civil Judge & Judicial Magistrate-II, Kazi Ahmed, he found both the applicants detained in the police lock in other FIR No.139 / 2018.
- (b) The instant incident took place on 11.07.2018 whereas; FIR was lodged on 18.07.2018 after arrest of both the applicants in said crime.
- (c) No previous record of applicants has been produced in respect of their involvement in such type of the offences. In absence of a criminal history of the applicants, it can be said that the applicants are not a hardened criminals.
- (d) As far as the involvement of the applicants in other crime bearing No.139 / 2018 of PS Kazi Ahmed is concerned, they have been admitted on bail by this Court in Criminal Bail Application No.S-716 / 2018.
- (e) No recovery is stated to have been effected from the applicants in the instant crime.
- (f) As per FIR the complainant has nominated the applicants describing their parentage and residence but he lodged the FIR with un-explained delay of 07 days of the incident, after the arrest of both the applicants in aforesaid crime, hence, the case of applicants requires further inquiry.

4. In these circumstances, I am of the view that a case for bail has been made out, as such, the applicants are admitted to bail subject to furnishing the surety of Rs.50,000.00 [Rupees fifty

thousand] each and PR bond in the like amount to the satisfaction of the trial Court.

5. Before parting, I would like to make it clear that if all or any of the applicants misuse the benefit of bail in any manner, then the trial Court is fully authorised to take every action against such applicant(s) and his/their surety including cancellation of bail without making a reference to this Court.

6. Above are the reasons for my short order dated 29.03.2019.

JUDGE

Abdullah Channa/PS
Hyderabad.
Dated 04.01.2019