

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Criminal Bail Application No. 816 of 2018

Date	Order with Signature of the Judge
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For hearing of bail application.

Heard on	:	12.06.2018
Date of order:	:	26.06.2018
For Applicant	:	Mr. Muhammad Naseem Shaad, Advocate.
For State	:	Mr. Zahoor Ahmed Shah, D.P.G.

Kausar Sultana Hussain, J.:- On dismissal of bail Application by learned trial Court in Sessions Case No. 21 of 2018, vide order dated 07.05.2018, the applicant Shahab Jan has approached this Court, by filing instant bail application under Section 497 Cr.P.C, for post-arrest bail in case FIR No. 584 of 2017, under Section 23(i)(a) r/w Section 24 of Sindh Arms Act registered at P.S. Preedy, Karachi.

2. Succinct prosecution story as narrated in the FIR is that on 05.12.2017 at about 0150 hours, accused Shahab Jan @ Shahid Mitha during interrogation in another crime No.549/2017 u/s 392 PPC led the police party of PS Preedy headed by complainant ASI Hafiz Iftikhar Ahmed to Dr. Daud Pota Road opposite Jahangir Park, Garbage Street, from where on pointation of applicant/accused police recovered one unlicensed .30 bore pistol, loaded with magazine having three live rounds, hence present FIR.

3. Learned counsel for the applicant/accused, inter-alia contended that the applicant/accused is innocent and did not commit the alleged crime. He next contended that nothing has been recovered on the pointation of applicant/accused and the alleged recovery has been foisted upon him just to save the real culprit and to show efficiency. He further argued that allegedly recovered pistol has not been sent to ballistic expert on time and no private person has been associated as witness. He next argued that alleged offence does not fall within the ambit Section 24 r/w Section 32 of Sindh Arms Act and that all witnesses are police officials,

therefore, there is no probability of tampering with the evidence, if the accused is released on bail. He next contended that there is no previous criminal record of applicant/accused. Learned counsel for applicant/accused lastly argued that case of applicant/accused falls within the ambit of further inquiry, therefore, he may be admitted to bail. In support of his arguments the learned counsel has relied upon the case laws reported in (i) *PLJ 2005 SC 159*, (ii) *PLJ 1999 264*, (iii) *PLJ 2004 Cr.C (Lahore) 633* and (iv) *PLD 2002 Karachi 98*.

4. Conversely, on the other hand, learned D.P.G for the State vehemently opposed the bail application on the ground that during interrogation in crime No.549/2017 the applicant/accused disclosed about the recovered pistol and on his pointation police recovered the same, therefore, he is not entitled for concession of bail, hence, present bail application may be rejected.

5. I have heard the arguments and perused the material available on record. From perusal of CRO of applicant/accused it appears that applicant/accused is also involved in other criminal cases. More particularly, during interrogation in crime No.549/2017, police on pointation of applicant/accused got recovered one .30 bore pistol and the complainant of that crime No.549/2017 has identified him to be the same, who committed robbery. So also one of the robbed properties of crime No.549/2017 i.e mobile phone Qx32 was recovered from the possession of applicant/accused at the time of his arrest. Sufficient material is available on record to connect the applicant/accused with the commission of alleged crime. Further, keeping in view the current circumstances and law and order situation of the city, I am not inclined to grant present bail application and the same is dismissed accordingly. The case laws cited at bar by learned counsel for applicant/accused have no help to accused and are distinguishable from the facts and circumstances of present case.

6. Needless to mention here that the above observations are tentative in nature and trial Court shall not be influenced in any manner whatsoever.

JUDGE

Sajjad Ali Jessar /PA