

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

Criminal Bail Application No. 817 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	:	26.06.2017
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. 1415 of 2017, 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. 549 of 2017, under Section 392/397 PPC, registered at P.S. Preedy, Karachi.

2. Brief facts of the prosecution story as narrated in the FIR by complainant are that on 16.11.2017 after having dinner at Buns Road, he alongwith advocate Sajjad Hussain were going back to their house. When they reached at Ratan Talao near Sattar Masjid, a boy aged about 30 years, having small beard, wearing cap, who was standing with his motorcycle in dark, came near to them and took out his pistol and snatched his mobile phone Q X 32, wallet containing cash amount of Rs.3500/-, original CNIC, original Sindh Bar Council Card bearing ledger No. LC No.3818 Hyderabad, Sindh Bar Council Renewal Card No. 2017, visiting cards and driving license. The said boy also snatched cash amount of Rs.2000/- and Nokia mobile phone from advocate Sajjad Hussain and then fled away. Hence present FIR.

3. Learned counsel for the applicant/accused at the very outset argued that applicant/accused is innocent and has been falsely implicated in this crime by the complainant in connivance with the police. He next contended that there is unexplained delay of about 05 days in lodging the FIR. He further contended that

neither the name of applicant/accused is mentioned in FIR, nor any recovery is effected from his possession and the alleged recovery has been foisted upon him. He also contended that no identification parade is held in present case before the concerned Magistrate. He further contended that applicant/accused is one and only earner of his family members including old ailing mother and has been falsely implicated in present crime. He lastly prayed that case of applicant/accused does not fall within the ambit of prohibitory clause, therefore, application/accused 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 sufficient material, connecting the applicant/accused with the commission of present crime is available on record, therefore, he is not entitled for concession of bail and the bail application is liable to be dismissed.

5. I have heard the arguments and perused the material available on record. It appears that complainant had lodged the FIR against unknown person. Subsequently, the applicant/accused was arrested u/s 54 Cr.PC and one of the robbed properties i.e. mobile phone Qx32 was recovered from his possession, then complainant of present crime was called by the police, who rightly identified the accused to be the same, who committed robbery, hence the applicant/accused was formally arrested in present crime, therefore, plea of false implication by the complainant has no force at all. More particularly, during interrogation in present crime, police on pointation of applicant/accused has got recovered one .30 bore pistol. CRO of applicant/accused is also available on record, which shows that applicant/accused is habitual criminal and is involved in other cases too. Sufficient material is available on record to connect the applicant/accused with the commission of alleged crime. Further, keeping in view of current

circumstances and law and order situation of 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