

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No. 414 of 2020

Muhammad Junaid son of Muhammad Tariq.....Applicant
 Versus
 The State.....Respondent

Criminal Bail Application No. 469 of 2020

Asif Ejaz son of Ghulam Qadir.....Applicant
 Versus
 The State.....Respondent

Date of Hearing and Short Order :- **06.04.2020**

Mr. Muhammad Arshad Tarique, advocate for the applicant in Cr. Bail App No. 414/2020
 Mr. Javed Iqbal, advocate for the applicant in Cr. Bail App No. 414/2020
 Mr. Zahoor Shah, DPG.

ORDER

Fahim Ahmed Siddiqui, J: Since both instant bail applications are based on one and the same F.I.R. in which both the applicants are involved; therefore, this common order will suffice for disposal of both the bail applications.

2. Both the applicants namely Muhammad Junaid (BA # 414/2020) and Asif Ejaz (BA # 469/2020) are involved in a case initiated based on F.I.R. No. 641/2019 u/s 392, 395, 170, 171 & 34 PPC, which was lodged at PS Korangi, Karachi East. Before filing these two bail applications, the applicants' request for bail was declined by the trial Court through the orders impugned herewith.

3. After hearing the detailed arguments and perused the available records and also enlightened myself from the case laws relied upon during arguments and while evaluating the entire material in the light of arguments of either side, I have observed as under:

- (a) Succinctly, the contents of F.I.R. reveal that the applicants, along-with their associates clad in police uniform,

came at the house of complainant in a vehicle similar to police mobile and under the show of weapon deprived the complainant party from cash amount, valuable articles and original documents of their property.

(b) During the investigation and on a tipoff, the applicants were arrested and some of the valuable articles, police uniforms and documents of the properties belonging to father of the complainant were recovered.

(c) The recoveries are allegedly made on the indication of the applicants; as such their involvement in the incident cannot be downrightly rejected.

(d) The applicant Asif Ejaz is a policemen and it is also revealed that two other persons involved in the crime are also belonging to police party.

(e) The plea of the applicants' counsel that the complainant party and applicants are having some dispute over certain plots may not be considered as the same comes under the purview of deeper appreciation of evidence.

(f) No past record of enmity between the applicants and the police could be brought on record, which attracts mala-fide on behalf of police and partisan in investigation.

(f) It is the sacred duty of Police to protect and defend the public interest and policemen are required to maintain and preserve law and orders in the society. Those amongst the police force, who violate the rules of this sacred duty, do not deserve any lenient view at the early phase of the case.

4. In view of the above observation, I am confident to make an opinion that at least at this stage no case of bail has been made out in favour of the applicants, as such the bail pleas of the applicants was declined through my short order dated 06-04-2020 and these are the reasons for the same.

5. Nevertheless, it is expected that the trial Court will pace-up by placing the same on the fast track and record the depositions of material witnesses within a period of two months. In case of failure, the applicants are at liberty to repeat their bail applications before the trial Court.

J U D G E