

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.944 of 2020

Applicant : Saeedullah S/o Ismail
Through Mr. Sardar M. Shabbir,
Advocate

Complainant : Zeeshan-ul-Islam S/o Islam-ul-Haq
(None present for the complainant)

Respondent : The State
Through Mr. Talib Ali Memon,
Assistant Prosecutor General, Sindh

Date of hearing : 07.08.2020

Date of order : 07.08.2020

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.319/2019 registered under Sections 392/397/34 PPC at PS Kalri, Karachi, after his bail plea has been declined by IX-Additional Sessions Judge, Karachi South vide order dated 21.05.2020.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused has mainly contended that the applicant/accused is innocent and has falsely been implicated in this case; that during identification parade, no role has been assigned against the applicant/accused, therefore, false implication cannot be ruled out; that no robbed amount was recovered from the

possession of applicant/accused. He lastly prays for grant of post-arrest bail to the applicant/accused.

4. On the other hand, learned APG has vehemently opposed for grant of bail to the applicant/accused on the ground that applicant/accused was arrested in some other cases but subsequently he was produced before the learned Magistrate where the complainant has identified the applicant/accused in this crime. He further submits that applicant/accused has involved in number of similar cases, hence he is habitual offender and is not entitled for concession of bail.

5. I have heard the learned counsel for the parties and have gone through the material available on record. From perusal of record, it appears that on the day of incident, the applicant/accused alongwith co-accused, on show of weapon, robbed 1200/1300 from the complainant and 14,000/15,000 from the PW and thereafter, the applicant/accused's party run away from the place of incident and subsequently they were arrested in another crime and when they were produced before the learned Magistrate, the complainant has identified him. Furthermore, the CRO is available in challan which also shows that applicant/accused is involved in number of similar cases. The contention of learned counsel for the applicant/accused that nothing was recovered from the possession of the applicant/accused having no force. Further, a bare perusal of Section 391 PPC reflects that when five or more persons conjointly commit or attempt to commit a robbery, or where whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting or aiding is said to commit "dacoity". Further, presently in Karachi, cases of such like nature are increasing day by day and in

order to curb the situation, it is appropriate to take action against the culprits involving in such crimes. At bail stage, only tentative assessment is to be made and deeper appreciation of evidence is not required, prima facie sufficient material is available on the record to connect the applicant/accused with the alleged offence.

6. In view of the above, learned counsel for the applicant/accused has failed to make out a case for grant of post-arrest bail to the applicant/accused. Resultantly, the instant bail application merits no consideration, which is dismissed accordingly. The learned trial Court is directed to expedite the case and decide the same within a period of three months after receipt of this order.

7. 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 applicants on merits.

JUDGE

Kamran/PA