

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.1108 of 2020

Applicants : Muhammad Ikram S/o Lal Muhammad
Through Mr. Qamar Iqbal, Advocate

Complainant : Muhammad Younus S/o Muhammad
Basheer

Respondent : The State
Through Mr. Muhammad Iqbal Awan,
Deputy Prosecutor General, Sindh.

Date of hearing : 17.08.2020

Date of order : 17.08.2020

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.154/2020 registered under Sections 506-B, 392/337-A1/34 PPC (Under Section 395 PPC inserted in interim challan) at PS Mominabad, Karachi, after his bail plea has been declined by the VIth Additional District & Sessions Judge, Karachi West vide order dated 23.07.2020.

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. Per learned counsel, applicant/accused is innocent and has falsely been implicated in this case; that the FIR was lodged after a delay of 48 days without any plausible explanation; that co-accused Asad Qureshi (original name Muhammad Islam), Faisal (original name Muhammad Faisal) and Amir (original name Nawazish Bashir) have already

granted bail by the learned trial Court; whereas, the bail plea of the present applicant/accused has been declined; that wife of the complainant has implicated the applicant in this case, otherwise nothing has been recovered from the possession of the applicant to connect him with the commission of offence. He lastly prays for grant of bail.

4. On the other hand, learned DPG duly assisted by the complainant has vehemently opposed for grant of bail on the ground that applicant/accused has snatched cash Rs.300,000/-, 5/6 tola gold and other valuable articles; hence, he is not entitled for concession of bail.

5. I have heard the learned counsel for the parties and perused the material available on record. It is admitted position that the FIR was lodged after a delay of about 48 days, for which no plausible explanation was given by the complainant. There was a dispute between the wife of complainant and present applicant/accused and the only allegation against the applicant/accused is that he has snatched cash amount, valuable articles and a car but nothing was recovered from the applicant/accused to connect him with the commission of offence. It is also admitted fact that enmity is going on between the parties, which is yet to be decided by the trial Court when the evidence will be recorded that whether the present applicant/accused has committed such offence. The contentions raised by learned counsel for the applicant/accused require further inquiry. Moreover, at bail stage only tentative assessment is to be made and deeper appreciation of evidence is not required.

6. In view of above facts and circumstances, learned counsel for the applicant/accused has succeeded to make out a case for further inquiry as envisaged under section 497 (2) Cr.P.C. Consequently, the instant bail application is allowed.

Applicant/accused named above is enlarged on post-arrest bail subject to his furnishing solvent surety in the sum of Rs.100,000/- and PR bond to the satisfaction of the learned trial Court.

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 applicant/accused on merits.

Kamran/PA

JUDGE