

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No.992 of 2021

Date *Order with signature of Judge*

For hearing of Bail Application.

06.09.2021

Mr. Mansoor Ali, Advocate for the Applicant.
Ms. Rahat Ehsan, Addl. Prosecutor General, Sindh.
Complainant Amanullah, present in person.

ORDER

Muhammad Saleem Jessar, J:- Through this bail application, Applicant Saifullah seeks his release on post arrest bail in Crime No.324/2020 of P.S Manghopir, under Section 394/397/34 PPC. The applicant preferred his bail plea before the first forum, which was turned down by means of order dated 23.04.2021; hence, he has approached to this Court through this Application.

Since the facts of the prosecution case are already mentioned in the FIR, which is annexed with Court file, therefore, there is no need to reproduce the same.

Learned counsel for the applicant submits that applicant/accused as well as complainant of this case have settled their differences outside the Court upon intervention of their elders. He next submits that complainant of this case is present and intends to file his affidavit of no objection, which is duly sworn in by him in office on 27.08.2021. He, therefore, submits that in view of Affidavit sworn in by the complainant, case against applicant requires further inquiry.

Learned Addl. P.G, Sindh, in view of affidavit of no objection duly sworn in by the complainant, does not oppose the bail application.

Complainant Amanullah, having CNIC 42401-8926270-5, present in person, files his Affidavit of no objection duly sworn in, in the office on

27.08.2021; whereby he has categorically stated that he has no objection for grant of bail to accused Saifullah. Affidavit is hereby taken on record.

Heard arguments, record perused. Per FIR, accused along with co-accused had allegedly snatched cash amount of Rs.350,000/- and two mobile phones of Oppo company; however, after his arrest, nothing incriminating has been shown to have been recovered from him. The main piece of evidence against him is he allegedly was picked up by the complainant Amanullah and injured PW Nasirullah at the time of identification parade. The complainant, who is himself is a victim, has raised his no objection through the Affidavit duly sworn in by him in office on 27.08.2021. Moreover, co-accused Ismail has also been granted bail by the trial Court on the ground of Affidavit sworn in by the complainant.

In the circumstances and in view of above factual position, the case of applicant is also at par with co-accused, who have already been bailed out by the trial Court on the ground of Affidavit. Consequently, instant bail application is hereby allowed. Applicant **Saifullah son of Muhammad Iqbal** shall be released on bail subject to furnishing his solvent surety in the sum of Rs.100,000/- (Rupees One Lac Only) and PR Bond in the like amount to the satisfaction of learned trial Court.

It need not to iterate that the observation(s) made hereinabove is/are tentative in nature and shall not prejudice the case of either party during trial. However, the learned trial Court may proceed against the Applicant, if he will be found misusing the concession of bail.

This Criminal Bail Application is disposed of in the terms indicated above.

JUDGE

Zulfiqar/P.A