

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No. 2114 of 2021

Applicant : Sikandar Khan s/o Rooh Ullah Khan,
Through Mr. Shah Imroz Khan, Advocate

Respondent : The State, through Ms. Rahat Ehsan, Addl. PG

Complainant : Adnan Uzair s/o Uzair Ahmed Qureshi
Through Mr. Ghulam Shabbir Babar, Advocate

Date of hearing : 12.01.2021
Date of order : 12.01.2021

ORDER

ZAFAR AHMED RAJPUT, J:- Applicant/accused Sikandar Khan s/o Rooh Ullah Khan being abortive to get the concession of post-arrest bail from the Court of Additional Sessions Judge-VI, South, Karachi, vide order dated 27.10.2021, through this application seeks the same concession from this Court in Crime/FIR No. 639 of 2021, registered under sections 395, 337-A(i), P.P.C. at Police Station Darakhshan, Karachi.

2. Briefly stated, the facts of the case are that, on 04.10.2021 at 2030 hours, complainant Adnan Uzair s/o Uzair Ahmed Qureshi lodged the instant FIR for the commission of the dacoity in his house by six unknown dacoits, duly armed with pistols and SMG, by causing butt injuries on the face of his mother. They robbed jewelries, watches, cash amount and two licensed pistols and one 9 MM revolver as per details mentioned in the F.I.R.

3. The learned counsel for the applicants/accused has mainly contended that the applicants is innocent and has falsely been implicated in this case by the police; that no identification parade has been conducted during investigation for getting the applicant identified through the witnesses; that the applicant has also been implicated in two other false FIRs bearing Crime No. 448 of 2021, registered at P.S. Gizri under section 393 & 34, PPC and Crime No. 666/2021 registered at

P.S. Darakhshan under section 23 (i), A of Sindh Arms Act, 2013; that the name of the applicant is not mentioned in the FIR; that neither any recovery has been effected from the applicant nor he received or retained any robbed revolver as alleged by the police; that the instant case is a fit case for further enquiry, thus the present applicant is entitled for the concession of bail.

4. On the other hand, learned counsel for the complainant and APG have vehemently opposed this application on the ground that the robbed revolver has been recovered from the possession of the applicant and he is also involved in similar type of criminal case; hence, he is not entitled for the concession of bail.

5. I have considered the arguments advanced by the learned counsel for the parties and also perused the material available on record.

6. It appears from the perusal of the record that after commission of alleged dacoity on 04.10.2021 at the house of aforesaid complainant, an unsuccessful attempt of committing robbery was made on the very next day at the house of one Aakash Jai Limani situated in Phase-VI of DHA, Karachi; however, on showing resistance, the accused persons ran away in a car bearing registration No. AZY-622, which incident was recorded in CCTV camera installed in the said house and for the aforementioned F.I.R. bearing No. 448 of 2021 was recorded. Later, on 16.10.2021, the applicant was arrested by the police, who recovered the weapon robbed by the applicant from the house of the complainant.

7. The alleged offence under Section 395, P.P.C. is non-bailable and carries punishment for imprisonment of life or with rigorous imprisonment for ten years and fine under the schedule-II of the Criminal Procedure Code. From the tentative assessment of the evidence on record, it appears that the prosecution has sufficient evidence against the applicant/accused to connect him with the alleged offence and no case of further enquiry has been made out; therefore, he is not entitled to concession of bail. So far the merit of the case is concerned, it may

be observed that the offences like robbery/dacoity are frequently reported to have been committed without any restriction in urban and rural areas; not only creating scare among the people but ruining the safety of the life and property of law abiding citizens and also generating sense of insecurity amongst public at large.

8. For the forgoing facts and reasons, I dismiss this criminal bail application. However, the applicant/accused is at liberty to file fresh bail application before the trial Court after examination of the eye-witnesses, if so advised, which will be considered by the learned trial Court, if filed, in accordance with law.

9. Needless to mention here that the observations made hereinabove by this Court are tentative in nature and the same shall not influence the trial Court while deciding the case of applicant on merit.

JUDGE

Athar Zai