

**IN THE HIGH COURT OF SINDH AT KARACHI**

Before:

**Mr. Justice Amjad Ali Sahito**

Criminal Bail Application No.1049 of 2021

Applicant : Shoaib S/o Muhammad Saleem  
Through Mr. Mansoor Ali Mahesar,  
Advocate

Complainant : Azeem Ahmed S/o Abdul Hakeem  
(None present for the complainant)

Respondent The State  
Through Mr. Saleem Akhtar,  
Addl. Prosecutor General, Sindh

Date of hearing : 16.07.2021

Date of order : 16.07.2021

**ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.137/2021 registered under Section 397 PPC at PS SITE Super Highway, Karachi, after his bail plea has been declined by 5<sup>th</sup> Additional Sessions Judge, Malir Karachi vide order dated 06.05.2021.

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 co-accused namely Muhammad Asif and Imtiaz have been released on bail and the case of the applicant is identical to the cases of co-accused; that no material is available on record to connect the applicant/accused with the commission of alleged offence; that no recovery has been made from explosive possession of

the applicant/accused, as such, he is entitled for concession of bail.

4. On the other hand, learned Addl. PG has vehemently opposed for grant of bail to the applicant/accused on the ground that criminal record is available against the applicant/accused; that prior to this, he was involved in Crime No.982/2020 under Section 397 PPC registered at PS SITE, as such, he 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. Admittedly, the applicant/accused was arrested in Crime No.195/2021 and during interrogation on 22.03.2021 on his pointation the I.O. of the case recovered one generator and complete parts and tools of the generator from Bilal Colony at foot path in the jurisdiction of Khawaja Ajmair Nagri, which were identified by the complainant as theft and robbed articles. Further, learned Addl. PG contended that prior to this, he was also involved in a robbery case and also at the time of his arrest, a pistol was recovered from his possession, therefore, he is a habitual criminal. The contention of the learned counsel that no robbed article was recovered from the applicant/accused having no force. 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. No enmity or ill-will has been suggested against the complainant or the prosecution to believe that the applicant/accused has falsely been implicated. Prima facie, sufficient material is available on record to connect the present applicant/accused with the commission of 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.

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 on merits.

Kamran/PA

JUDGE