

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

Criminal Bail Application No.S-95 of 2022
Criminal Bail Application No.S-96 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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25.03.2022

Mr. Muhammad Hashim Laghari, Advocate for applicant.
Mr. Muhammad Ayoub Qassar, learned Special Prosecutor
for ANF.

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Irshad Ali Shah J:- It is alleged that the applicant with rest of the culprit was found carrying an unlicensed rifle and 19 KGs of the Chars through his car by police party of P.S ANF Hyderabad, for that he was booked accordingly. On being booked so he sought for his release on bail by making two separate applications one for offence punishable under section 9-(C) of CNS Act, 1997 and other for offence punishable under section 23(i) of Sindh Arms Act, 2013, those were dismissed by learned Additional Sessions/Special Judge-I (MCTC) Mirpurkhas and he now has sought for his release on bail from this Court by making two separate applications u/s 497 Cr.P.C.

2. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police by making foistation of chars and unlicensed weapon upon him; there is no independent witness to the incident and co-accused Misri Khan has already been admitted to bail by learned Trial Court, therefore, the applicant is entitled to his release on bail on point of further inquiry and consistency.

3. Learned Prosecutor for the ANF has opposed to release of the applicant on bail by contending that he is having a criminal record, the car used in commission of incident is belonging to his sister and he was found driving the same at the time of incident, therefore, he is liable for recovery made therefrom and his case is distinguishable to that of co-accused Misri Khan.

4. In rebuttal to above, it is contended by learned counsel for the applicant that the applicant has been acquitted in all cases pending against him.

5. Heard arguments and perused the record.

6. The applicant was found driving the car at the time of incident which is owned by his sister, therefore, he is liable for the contain lying therein. Of course, there is no independent witness to the incident but there is no denial to the fact that the police officials are as good witnesses as others. Obviously the complainant and his witnesses were having no enmity with the applicant to have involved him in this falsely by making foistation of such a huge quantity of chars and unlicensed weapon upon him. Co-accused Misri Khan was simply found sitting in the car at the time of incident, therefore, his case is distinguishable to that of the applicant. The applicant might have been acquitted in all the criminal cases against him but such acquittal may not be enough to make him entitled to his release on bail in case like the present one which is affecting the society at large. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged.

7. In view of above, it is concluded safely that no case for grant of bail to the applicant is made out, consequently both the bail applications are dismissed with directions to learned Trial Court to dispose off the very case within two months after receipt of copy of this order.

JUDGE

Muhammad Danish*