

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1528 of 2020

Crl. Bail Application No. 1529 of 2020

Date	Order with signature of Judge
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For hearing of bail application

27.11.2020

Ms. Erum Khan, Advocate for applicant.

Mr. Zahoor Shah, DPG.

-x-x-x-x-

Omar Sial, J: Abdul Rehman is the applicant in both these bail applications seeking post arrest bail. These cases involve two crimes registered against him, details of which are as follows:

2. Fazal Subhan lodged F.I.R. No. 198 of 2020 under sections 392, 397 and 34 P.P.C. at the Site B police station on 28-7-2020 at 2230 hours in which he reported an incident that occurred earlier that night at 2120 hours. He narrated therein that he was robbed of his phone and a few hundred rupees by two armed boys riding a motorcycle with the registration number KKH-4692. The two boys were apprehended by him and the police on the spot and a .30 bore pistol was recovered from each boy.

3. Umer Tariq lodged F.I.R. No. 201 of 2020 under sections 392, 397 and 34 P.P.C. at the Site B police station on 29-7-2020 at 1210 hours in which he reported an incident that occurred the previous day i.e. on 28-7-2020 at 2100 hours. He narrated therein that two boys riding a motorcycle came and robbed him of his motorcycle with the registration number KLC-3524.

4. The prosecution case is that the applicant and one another first robbed Umer Tariq (F.I.R. No. 201 of 2020) of his motorcycle and phone at 2100 hours on 28-7-2020 and then went ahead and robbed Fazal Subhan (F.I.R. No. 198 of 2020) at 2120 hours. They were arrested in F.I.R. No. 198 of 2020 first and then in F.I.R. No. 201 of 2020.

5. As both cases arise from the same sequence of events (as claimed by the prosecution) I will dispose of both bail applications through this order.

6. I have heard the learned counsel for the applicant as well as the learned DPG. The complainant in both cases did not effect an appearance despite notice. My observation are as follows.

7. I find it extremely unusual and unnatural that the two applicants, who were said to be both armed, took the phone and money of Fazal Subhan but somehow in spite of being unarmed Fazal quite mysteriously managed to apprehend them on the spot. When they were arrested in this case, they were said to have already robbed Umer Tariq of his belongings and have ostensibly also disposed of Umer's motorcycle and belongings in twenty minutes between the two incidents. None of the belongings of Umer were recovered from the two boys when they were arrested while robbing Fazal and even though there was no F.I.R. lodged by Umer till that time (as he lodged the F.I.R. the next day of the incident i.e. on 29-7-2020) they were also booked in that crime. No identity parade admittedly was held to determine whether the two boys arrested in F.I.R. No. 198 of 2020 were the same as the two boys who had robbed Umer Tariq. There is nothing on record to show who the two owners of the two motorcycles identified in the two F.I.R.'s were. Absolutely no investigation has been conducted in both the said F.I.R.'s. It is also yet to be seen whether the ingredients of section 397 P.P.C. have been satisfied as the prosecution case is vague and sketchy. All the lapses made by the investigating officer of the case have effectively made the case of the applicant one of further inquiry.

8. Above are the reasons for my short orders of 24-11-2020.

JUDGE