

HIGH COURT OF SINDH, CIRCUIT COURT AT HYDERABAD

Cr. Bail Application No.S-1224 of 2022

[Mst. Sharifan versus The State]

DATE	ORDER WITH SIGNATURE OF JUDGE
Applicant	: Through Mr. Pir Bux Bhurgari advocate
The State	: Through Ms. Safa Hisbani Assistant P.G
Complainant	: None present
Date of hearing	: 27.01.2023
Date of Decision	: 27.01.2023

ORDER

KAUSAR SULTANA HUSSAIN, J. – Applicant Mst. Sharifan seeks post-arrest bail in Crime No.62 of 2022 registered at P.S Qasimabad for offence punishable under Section 395 PPC. Her plea for same relief has been dismissed by the learned trial Court vide Order dated 24.09.2022.

2. The allegation against the applicant/accused, as per FIR, is that on 08.03.2022 she alongwith co-accused persons had committed robbery from the house of Complainant.

3. Learned counsel for the applicant/accused contends that applicant is innocent and has falsely been implicated in present crime by the Complainant; that accused is not nominated in FIR and the same has been lodged against unknown persons; that accused has been implicated by the Complainant in his further statement recorded after about 73 days of the alleged incident, as such due deliberation and consultation for false implication cannot be ruled out. He prayed that applicant may be admitted to bail.

4. Despite notice no one effected appearance on behalf of the Complainant. However, learned APG, opposed the bail application and prayed for its dismissal.

5. I have heard the learned counsel for the applicant as well as learned A.P.G and also gone through the material available on record.

6. Admittedly applicant/accused is not nominated in FIR and she was implicated by the Complainant in his further statement, which was recorded after about 73 days of the alleged incident. Even the Complainant has not given the description of accused in the FIR and till date no identification parade has been held. It also appears that FIR has been lodged with a delay of about five hours without plausible explanation thereof. Record reflects that in another similar case

bearing Crime No.75 of 2022 registered at P.S Naseem Nagar the applicant/accused has been admitted to bail by the learned trial Court vide Order dated 31.08.2022, but in present case, though is on similar footings, her plea for concession of bail has been turned down.

7. In view of the above position of the case, applicant/accused has successfully made out her case for further inquiry. I, therefore, while relying upon the case of ABDUL WAHID versus THE STATE (2022 SCMR SC 1954) admit the applicant/accused on bail subject to her furnishing a solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand) and a P.R. Bond in the like amount to the satisfaction of the learned trial Court.

8. Needless to mention here that observations made hereinabove are tentative in nature and the same may not prejudice the case of either party at trial. However, learned trial Court is directed to expedite the trial and conclude it within a period of two months from the date of receipt of this Order. It is also made clear that if at any stage applicant/accused misuses the concession of bail, the learned trial Court shall be competent to take action against her in accordance with law, without making reference to this Court.

9. Instant bail application stands disposed of accordingly.

Sajjad Ali Jessar

JUDGE