

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 1253 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of bail application.

22-08-2022

Mr. Khalid Hussain Shar, Advocate for applicant.
Mr. Talib Ali Memon, A.P.G.

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Omar Sial, J: Muhammad Asif has sought post arrest bail in crime number 955 of 2022 registered under sections 380 and 34 P.P.C. at the Sachal police station. Earlier, his application seeking bail was dismissed by the learned Sessions Judge, Malir on 14.06.2022.

2. A background to the case is that F.I.R. No. 955 of 2022 was registered on 29.05.2022 on the complaint of one Abdul Rasheed. Rashid recorded that he is in the water transportation business and also has a warehouse. Earlier that day when he went to his warehouse he saw that 4 persons were coming out of his warehouse. Upon a commotion being raised by the complainant, 2 persons ran away in a rickshaw whereas 2 were apprehended. One of the 2 persons was the applicant Muhammad Asif. A "motor" was recovered from the possession of the 2 apprehended accused.

3. I have heard the arguments of the learned counsel for the applicant as well as the learned APG. The complainant had come on an earlier date and told the court that he did not want to engage a counsel.

4. At this preliminary stage I find the narration contained in the F.I.R. a little implausible. I fail to see how 3 motorcycles, 1 generator pump, 6 dynamos, 2 water pumps, 8 Hino vehicles, 1000 feet of wires, 2 copper generator batteries, shafts and clutches could even fit on a rickshaw, upon which it is alleged that the 2 fleeing suspects took the equipment. What was a person in the water transportation business doing with this equipment is not clear nor are specific details of the equipment stated. In fact, there appears to be no document on record which would even prima facie show that the complainant had this equipment and what were its specifications. Similarly, there are no details of

even the “motor” which was said to be in the possession of the applicant when he was caught.

5. The potential sentence for an offence under section 380 P.P.C. is 7 years imprisonment and although not bailable falls within the non-prohibitory clause of section 497 Cr.P.C. Keeping the principles of the Tariq Bashir and 5 others vs The State (PLD 1995 SC 34) in mind I do not see any extraordinary or exceptional reasons to deny the applicant bail.

6. Above are the reasons for the short order dated 18-8-2022.

JUDGE