

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1772 of 2020

Date order with signature of Judge

For hearing of bail application.

18th January, 2021

Mr. Zulfiqar Ali Langah, Advocate for applicant.

Mr. Talib Ali Memon, APG.

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Omar Sial, J: Saif Ali has sought post arrest bail in crime number 334 of 2020 registered under sections 397 and 34 P.P.C. at the Sir Syed police station in Karachi. Earlier, his application seeking bail was dismissed by the learned 2nd Additional Sessions Judge, Karachi South on 17-8-2020.

2. The aforementioned FIR was lodged by Mujeeb-ur-Rehman on 29-7-2020 at 6:00 p.m. reporting an incident that had occurred earlier that day. He narrated therein that at about 5:00 p.m. while he was on his way for some work, he was intercepted by 2 boys on a motorcycle who pulled out pistols and took away Mujeeb's phone, Rs. 6700 and a copy of his national identity card. There were 2 policemen on a motorcycle nearby who were attracted to the place of incident by the commotion. The policemen went in chase of the 2 boys whereas Mujeeb came to the police station to record his FIR.

3. I have heard the learned counsel for the applicant as well as the learned APG. The complainant did not effect an appearance despite notice. My observations are as follows.

4. The prosecution case is that the 2 policemen on the motorcycle chased the 2 boys and were able to apprehend 1 of them 30 minutes later whereas the other boy managed to drive away on the motorcycle. The 1 boy who was arrested disclosed his name as Saif Ali, the applicant.

5. No identification parade was held for Mujeeb-ur-Rehman to identify the applicant as being 1 of the boys who stole his valuables. The story of the police arresting one person on the motorcycle while the other drove away does not

upon a tentative assessment make much sense. The cash ostensibly stolen by the boys was not recovered from the applicant. The memo of inspection records that Mujeeb had said that his phone was gold in color whereas the one allegedly recovered from the applicant was silver in color. The roznamcha appears to suggest that PC Ayaz, who is said to have arrested the applicant may not have been on duty on that day at that time. The number of the SIM in Mujeeb's phone and the one recovered have both not been identified by either the complainant or the investigating officer. The case of the applicant appears to be one of further inquiry.

6. Above are the reasons for the short order of 17-12-2020.

JUDGE