

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.2233 of 2022

Applicant : Zahid Hussain S/o Muhammad Ameen
through Mr. Liaquat Ali Khan, Advocate

Respondent : The State
through Ms. Lubna Qadir, Addl.
Prosecutor General, Sindh

Date of hearing : 09.01.2023

Date of order : 09.01.2023

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in FIR No.586/2022 registered under Sections 430/34 PPC 14-A(i), 14-B Karachi Water & Sewerage Board Amended Act 2015 at PS Gulshan-e-Maymar, after his bail plea has been declined by Addl. Sessions Judge-XII, Karachi West vide order dated 01.11.2022.

2. The details and particulars of the FIR are already available in bail application and the FIR, as such, need not to reproduce the same hereunder.

3. Per learned counsel for the applicant, applicant/accused is innocent and has falsely been implicated in this case; that no eyewitness has been shown in the FIR nor the place of incident was mentioned from where the applicant/accused was arrested; that even the police failed to recover any instrument from which he was trying to theft water; that the applicant/accused is in jail and is no more required for further investigation. He lastly prays for grant of post-arrest bail to the applicant/accused.

4. On the other hand, learned Addl. P.G. vehemently opposes for post-arrest bail on the ground that prior to this, the applicant/accused was book in Crimes No.586/2022 & 579/2022, as such, he is habitual offender and not entitled for bail.

5. I have heard the learned counsel for the parties and have gone through the material available on record.

6. Admittedly, name of the applicant/accused appears in the FIR with specific role that on the day of incident, he was arrested by the police from Essa Goth on the spot when he has stolen/theft the water from 48 inch Line Water in the tanker alongwith co-accused and thereafter apprehended by the police. After his arrest, he disclosed his name as Zahid. The version of the complainant has also been supported by the PWs in their 161 Cr.P.C. statement. Further, the applicant/accused was also involved in two similar nature cases which show that he is habitual offender. No ill-will or malafide has been shown on the part of complainant. Prima facie sufficient material is available on record to connect the applicant with commission of the alleged offence.

7. In view of the above, learned counsel for the applicant has failed to make out a case for grant of post-arrest bail. Accordingly, the instant Bail Application is dismissed. However, the learned trial Court is directed to expedite the matter and conclude the same preferably within forty five (45) days from the date of receipt of this order.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE

Kamran/PA