

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 377 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

21-03-2023

Mr. Ghulam Qasim Joyo, Advocate for applicant.
Mr. Muntazir Mehdi, Addl.P.G. a/w complainant.

=====

Omar Sial, J: Osama Inayat has sought post arrest bail in crime number 738 of 2022 registered under sections 392, 394, 397, 109, 337-A(iii) and 337-F(vi) at the Mominabad police station. Earlier, his application seeking bail was dismissed on 01.02.2023 by the learned 12th Additional Sessions Judge, Karachi West.

2. The aforementioned F.I.R. was registered on 15.10.2022 on the complaint of Abdul Hameed who reported an offence which had occurred earlier that day. He recorded that he buys mobile phones from Karachi and sells them in Chamman. That particular day he, along with his friend Saifullah purchased 20 mobile phones for a price of Rs. 700,000 and was standing with the bag containing the phones when 2 young boys came on a motorcycle and on the show of weapons snatched the bag as well as Rs.150,000 from the complainant. The complainant appears to have resisted and shots were fired by the 2 boys which hit the complainant on his legs. The FIR was registered against unidentified persons. 2 boys by the name of Bilal and Munsif were subsequently arrested, who apparently were also identified by the victim himself.

3. I have heard the learned counsel for the applicant as well as the learned Addl.P.G. The complainant, present in person, did not wish to engage a lawyer to represent him. I have heard the counsels.

4. The complainant, Abdul Hameed quite categorically submitted that the applicant Osama was not one of the persons who robbed and shot at him. He assured the Court that he was not saying this due to duress or pressure; in fact, his demeanor and conduct was such that he surely did not appear to be under any pressure by any stretch of imagination. In fact, the prosecution also does not allege that the applicant was one of the 2 boys who robbed the complainant and fired on him. The prosecution however alleges that Munsif, the co-accused, has named the applicant as one of his accomplices. Apart from this the police claims that it has data to show that the applicant was in telephonic contact with Munsif. I am quite sure if the call data record of Munsif is further analysed many persons he was in contact with will be revealed; that will not ipso facto mean that all those persons are also guilty of the crime committed by Munsif. Whether or not the applicant is somehow vicariously liable for the acts of the co-accused will have to be determined after evidence is led at trial. At this stage with the foregoing being the only evidence against the applicant, his case is one of further inquiry.

5. Above are the reasons for the short order dated 15.03.2023.

JUDGE