

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 327 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

21-03-2023

Mr. Tanveer Abbasi, Advocate for applicants.
Ms. Robina Qadir, Addl.P.G. a/w complainant.

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Omar Sial, J: Adil Ali and Wajid Ali have sought post arrest bail in crime number 15 of 2022 registered under sections 397 and 34 P.P.C. at the Shahrah-e-Noor Jahan police station. Earlier, their application seeking bail was dismissed on 30.01.2023 by the learned 5th Additional Sessions Judge, Karachi Central.

2. A background to the case is that the aforementioned F.I.R. was registered on 09.01.2023 on the complaint of one Mohammad Khalid who reported an incident of earlier that day. He recorded that at about midnight he came out of a marriage lawn when 2 boys on a motorcycle came and snatched his valuables from him. He made a noise upon being robbed, which noise attracted the attention of the public at large as well as a nearby police party. The 2 boys were apprehended by the police and the public and apart from the valuables robbed from the complainant, a pistol was also recovered from one of the boys. They identified themselves as the applicants.

3. I have heard the learned counsel for the applicants as well as the learned Addl.P.G. who was assisted by the complainant himself. The complainant did not want to engage a lawyer. My observations and findings are as follows.

4. The complainant who was robbed has categorically confirmed that the applicants who were arrested soon after the incident were indeed the 2 boys who had robbed him. He also confirmed that his valuables were

recovered from them at the time they were apprehended and arrested. The learned counsel for the applicants was unable to provide any explanation as to why the complainant would falsely implicate the applicants. He however argued that no marriage lawn is open till midnight in Karachi and therefore the complainant cannot be believed. In the background of the identification made by the complainant and the recovery effected from the applicants, the argument made by the learned counsel carries little weight and will not suffice as a ground for grant of bail.

5. Above are the reasons for the short order dated 17.03.2023.

JUDGE