

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

**Crl. Bail Application No. S- 668 of 2022**

*(Karimdad alias Haji Khan and others v. The State)*

**Mr. Shabbir Ali Bozdar, Advocate along with applicants.  
Mr. Aftab Ahmed Shar, Additional P.G for the State.**

**Date(s) of Hearing :** 20-02-2023  
**Date of Order :** 20-02-2023

**ORDER**

**Zafar Ahmed Rajput, J. -** Having been rejected their earlier Crl. Pre-Arrest Bail Application No.1622 of 2022 by learned Additional Sessions Judge-IV, Mirpur Mathelo vide order dated 10.12.2022, the applicants Karimdad alias Haji Khan, Misree and Hameed alias Abdul Hameed, all by caste Mahar through instant Crl. Bail Application seek the same relief from this Court in Crime No. 36 of 2022, registered at P.S, Khenju-Ghotki, under Section 395 PPC. They were admitted to interim pre-arrest bail by this Court vide order dated 16.12.2022, now the matter is fixed for confirmation of the same or otherwise.

2. Allegations against the present applicants are that on 15.10.2022, at 8.30 p.m, at Katch path road near bridge of Sim Nala leading to Noorpur Dargah, they along with co-accused Ghulam Ali alias Pandhi and Samano alias Suhno snatched mobile phone of OPPO company, valued at Rs. 35,000/- and cash of Rs.10,000/- from complainant Ali Bux, from Gulzar Ahmed Lund, one mobile phone valued at Rs. 25,000/- and cash of Rs.7000/- and from Sabir Lund, cash of Rs. 3000/-, for which they were booked in aforementioned FIR.

3. Heard learned counsel for the applicants as well as learned APG and perused the material available on record. It appears that the FIR is delayed by two days for which no plausible explanation has been furnished by the

complainant; hence false implication of the applicants after due deliberation and consultation cannot be ruled out. It further appears that the applicants belong to Mahar community and the complainant and his witnesses from Lund tribe and regarding that, enmity has been claimed by the applicants due to political rivalries between Mahar and Lund tribes. It further appears that co-accused Ghulam Ali alias Pandhi and Samano alias Suhno have already been admitted to pre-arrest bail by the trial Court vide common order dated 10.12.2022 on the ground that no active role has been assigned to them except mere presence. It is also an admitted position that there is no criminal record of the applicants. The minimum punishment provided for the offence under Section 395 PPC is four years and it is a settled principle of law that lesser punishment of the offence is to be considered at bail stage. Applicants claim political rivalry with the complainant party. Malice and false implication of the applicants in the case are to be seen at the trial.

4. For the foregoing facts and circumstances of the case, interim pre-arrest bail already granted to the applicants by this Court vide order dated 16.12.2022 is hereby confirmed on same terms and conditions.

5. Needless to mention here that the observations made herein-above are tentative in nature and would not influence the trial Court while deciding the case of applicants on merits and if the applicants in any manner try to misuse the concession of bail, it would be open for the trial Court to cancel the same after issuing them the requisite notice.

The instant Crl. Bail Application stands **allowed** in above terms.

Ahmad

JUDGE