

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 2193 of 2023

Applicant : Sajid Ali
through Syed Suleman Badshah, Advocate

Respondent : The State
through Mr. Muhammad Iqbal Awan, Addl.P.G.

Date of hearing : 23rd October, 2023

ORDER

Omar Sial, J: Sajid Ali has sought post-arrest bail in crime number 562 of 2023 registered under section 397 P.P.C. at the Sir Syed police station in Karachi. Earlier on 23.09.2023, the learned 5th Additional Sessions Judge, Karachi Central, declined the bail application filed in his court.

2. Kamal Raza Khan lodged the F.I.R. mentioned above on 19.08.2023, reporting an offence that had occurred earlier that date. He said that while he was doing his work duties, a young person on a motorcycle intercepted him and, under the threat of a pistol, snatched his phone from him. The accused, while escaping, also fired at and injured an elderly person, who was raising commotion. The applicant was arrested in another case where he allegedly fired upon a police party with an unlicensed weapon. In that incident, the police had inflicted a firearm injury on the leg of the applicant.

3. I have heard the learned counsel for the applicant and the learned Additional Prosecutor General. The complainant did not effect an appearance despite notice. My findings and observations are as follows.

4. No recovery was effected from the applicant when the alleged police shoot-out occurred. The complainant did not describe the person who had robbed him of his valuables. No identification parade was held after the applicant's arrest in the police shoot-out. Upon a query as to how the police showed that the applicant was the same person who had robbed the complainant, the learned Additional Prosecutor General explained that the

record indicates that the complainant was called to the hospital when the applicant was injured. There, he identified the applicant as being the person who had robbed him. I am not fully satisfied with this explanation. It begs the question of how the police knew that the complainant should be called to identify the applicant when, at that stage, the applicant did not have any belonging of the complainant. This is an area of further inquiry. Before 19.08.2023, the applicant had no crime record. What adds to this vagueness is that for some reason best known to the police, the person ostensibly injured by the firing of the applicant was not included in the calendar of witnesses by the prosecution. In the cases arising from the alleged police shoot-out, the applicant was granted bail on 23.09.2023 by the learned 5th Additional Sessions Judge, Karachi Central. The present case is separate; however, in the circumstances of the case, an element of doubt creeps in the present case as the learned court had found the subsequent incident a case of further inquiry.

5. Given the above, the applicant is admitted to bail subject to his furnishing a solvent surety in the amount of Rs. 100,000 and a P.R. Bond for the same amount to the satisfaction of the learned trial court.

JUDGE