

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 2109 of 2023

Applicant : Umer Hayat
through Mr. Taj Fareen Khan, Advocate

Respondent : The State
through Mr. Muhammad Iqbal Awan, Addl.P.G.
a/w ASI Muhammad Afzal, I.O.

Date of hearing : 24rd October, 2023

Date of order : 27th October, 2023

ORDER

Omar Sial, J: On 14.03.2023, Mohammad Salman reported to the police that he was supervising car parking outside a house where a religious gathering was taking place earlier that day. Two boys armed with pistols came to the scene and snatched his telephone. The commotion attracted the attention of Tayyab, a neighbour, who opened fire on the thieves. One boy was injured while the other ran away, leaving behind the motorcycle they had come on. F.I.R. No. 155 of 2023 was registered under sections 392, 397 and 34 P.P.C. at the Peerabad police station.

2. On 17.03.2023, the applicant Umar Hayat was arrested for possessing an unlicensed weapon, and F.I.R. No. 120 under section 23(1)(a) of the Sindh Arms Act, 2013 was registered against him. At the time of his arrest, the applicant had an injury inflicted upon his body that he could not explain. Mohammad Salman was called to the police station, where he identified the applicant.

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

4. In every situation in which similar cases are being registered, the story given by the police is the same. A person is arrested while possessing an unlicensed weapon; during interrogation, that person confesses to having been involved in several street crime cases and is sent to jail. No further investigation takes place. It seems that the possibility of the police closing several F.I.R.s rightly or wrongly, under the garb of one F.I.R., cannot be ruled out. This is yet another such case. F.I.R. is registered at 11:30 p.m. on 14.03.2023, in which absolutely none or an extremely vague description of the robbers is given. Soon afterwards, the police, in an unrelated incident, arrest two boys, and their efficiency is such that within 30 minutes, the boys have confessed their involvement in other crimes. This is followed by the complainant landing up at the police station and inevitably saying that those were the same boys who had also robbed him. After which, the complainant disappears. The police do not bother arranging an identification parade, knowing they would weaken the prosecution case. In the present case, not only was an identification parade not held, but the investigating officer could not justify where the motorcycle of the two robbers, which they had left on the crime scene, disappeared. The F.I.R. contains the registration number, engine number and chassis number of the motorcycle (which, too, is a bit odd); however, the investigating officer did not bother to find out who was the registered owner of the motorcycle. He also has no clue where the motorcycle disappeared. No recovery occurred even though the second incident is said to have occurred soon after the first incident.

5. Given the above, the case against the applicant is one of further inquiry. He is admitted to post-arrest bail subject to his furnishing a solvent surety in the sum of Rs. 500,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE