

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 2476 of 2023

Applicant : Ali
through Mr. Muhammad Yousuf Chohan,
Advocate

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

Date of hearing : 20th November, 2023

ORDER

Omar Sial, J: Ali son of Akbar has sought post arrest bail in crime number 256 of 2023 registered under sections 392, 397 and 34 P.P.C. at the Docks police station. His earlier bail application was dismissed on 23.10.2023 by the learned 11th Additional Sessions Judge, Karachi West.

2. The F.I.R was registered on 26.05.2023 on the information provided by Karan who reported an offence which had occurred on 21.05.2023. He recorded that he was a labourer and that while he was on his motorcycle he was intercepted by two boys on a motorcycle, who on the show of pistols, robbed him of his cell phone.

3. I have heard the learned counsel for the applicant and the learned Additional Prosecutor General. None effected an appearance on behalf of the complainant and it was reported that he cannot be found.

4. Learned Additional Prosecutor General went through the record of the case and argued that the applicant was arrested in another case and when he was arrested, the mobile phone snatched from Karan was recovered from him. Most reluctantly the learned Additional Prosecutor General agreed that the F.I.R. in which the applicant was arrested (No. 139

of 202 under sections 353, 324, 186, 34 and section 7 of the ATA, 1997 at the Kalri police station) was registered on 22.05.2023. No plausible reason could therefore be provided as to how on 22.05.2023 did the police force of a different police station know that a stolen phone had been recovered from the applicant when till 26.05.2023 no report had been made by Karan to the police. The F.I.R. in the current case was registered on 26.05.2023. No record exists that Karan even owned the phone he said was his. No identification parade has been held to date. No description of the robbers was given by the complainant. The case against the applicant is one of further inquiry.

5. Given the above, the applicant is admitted to post arrest bail subject to his furnishing a solvent surety in the amount of Rs. 50,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE