

IN THE HIGH COURT OF SINDH AT KARACHI**Crl. Bail Application No. 2494 of 2023****Crl. Bail Application No. 2495 of 2023**

Applicant : Juman Gabbar
through Mr. Akhtar Ali Jamari, Advocate

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

Complainant : Mansoor Ahmed
through Mr. Muhammad Yasir, Advocate
along with complainant

Date of short order : 14th December, 2023

Date of reasons : 15th December, 2023

ORDER

OMAR SIAL, J. Juman Gabar has sought post-arrest bail in crime number 336 of 2023, registered under sections 397 and 34 P.P.C. at the Thatta police station. His earlier bail plea was dismissed by the learned 2nd Additional Sessions Judge, Thatta, on 06.09.2023.

2. When arrested, Juman had an unlicensed weapon for which F.I.R. 345 of 2023 was registered against him at the same police station under section 23(1)(a) of the Sindh Arms Act, 2013. His earlier bail plea was dismissed by the learned 2nd Additional Sessions Judge, Thatta, on 06.09.2023.

3. The two cases are intertwined; thus, this common order will dispose of both bail applications.

4. The F.I.R. in the case was registered on 16.08.2023 on the complaint of Mansoor Ahmed, who provided information about an offence that had occurred the previous day. Mansoor reported that he was on his way home

on a motorcycle when two persons intercepted him. One bearded man pulled out a pistol and snatched Rs. 25,000 that he had in a shopping bag. It appears from the F.I.R. that in the commotion which ensued, the bearded man opened fire, which hit a lady resident of the area. Some residents of the area also fired shots, and the bearded man was also hit. He was apprehended and identified as Ghulam Mohammad on the spot. The other robber, resorting to firing, made his escape good. The applicant, Juman Gabar, was arrested later on 27.08.2023 and was identified as the robber who had run away.

5. Learned counsel for the applicant has argued that there is a delay in registering the F.I.R. and that the only reason he has been arrested is because Ghulam Mohammad told the police that the applicant was his companion on the day when they robbed the applicant. The learned Additional Prosecutor General supported the impugned order. I have heard all the counsels.

6. In a crime such as the present one, upon a tentative assessment, a six-hour delay in lodging the F.I.R. is not material at this bail stage. The impact of this delay will be better assessed by the learned trial court when it has had an opportunity to review all the evidence produced before it.

7. Learned counsel is correct that the name of the applicant has been disclosed by the arrested accused, Ghulam Mohammad. However, no reason has been attributed as to why Ghulam Mohammad would name the applicant his accomplice. No explanation is available as to what malafide the man who got robbed had in identifying the applicant as Ghulam Mohammad's companion in an identification parade held before a Magistrate. The complainant was in Court during the hearing and confirmed the applicant's involvement in the crime. Upon a tentative assessment, there is evidence to establish the applicant's nexus with the crime. Keeping the exponential rise in street crime in the city on balance and keeping the applicant out of society will be safer until the learned trial court adjudicates the case. Similarly, at the moment, it seems that there is

a high possibility that the weapon recovered from the applicant when he was arrested was used in the crime. The applicant will be given an opportunity when it is his turn to produce evidence at trial to show that the weapon was foisted upon him.

8. Above are the reasons for the short order dated 14.12.2023, in which both bail applications were dismissed.

JUDGE