

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

**Criminal Bail Application No. 1777 of 2023**

(Qabil Shah versus The State)

**Criminal Bail Application No. 1778 of 2023**

(Muslib Shah @ Maleeb versus The State)

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Date	Order with signature of Judges
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For hearing of bail application

**14.09.2023**

Mr. Niaz Ali Gopang, advocate for the applicant in Crl. Bail Application No.1777 of 2023

Mr. Zaheer Ahmed Shar, advocate for the applicant in Crl. Bail Application No.1778 of 2023

Mr. Ameer Ali Leghari, advocate for the Complainant

Mr. Muhammad Anwar Mahar, DDPP for the State

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It is alleged that the applicants with rest of the culprits robbed complainant Raheel Abdul Ghaffar approximately of Rupees Six Crores, cell phone and car, for that the present case was registered. On refusal of bail by learned XIV-Additional Sessions Judge, Karachi East, the applicants have sought for the same from this Court by making two separate bail applications under Section 497 Cr.P.C.

It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the police on the basis of recovery and defective identification parade and co-accused Syed Hussain Ahmed Shah has already been admitted to bail by this Court, therefore, the applicants are also entitled to be released on bail on point of further inquiry and consistency.

Learned DDPP for the State and learned counsel for the Complainant have opposed to release of the applicants on bail by contending that their case is distinguishable to that of co-accused Syed Hussain Ahmed Shah.

Heard arguments and perused the record.

The name and description of the applicants are not appearing in the FIR. On arrest, the applicants allegedly have admitted their guilt before the police, such admission, if any, in terms of Article 39 of the Qanun-e-Shahadat Order, 1984, could not be used against them as evidence. The recovery of robbed

money to the extent of share of the applicants is said to have been foisted upon them by the police at the instance of the complainant party and identification parade of the applicants has been conducted on 05<sup>th</sup> day of their arrest with no plausible explanation to such delay. The case has finally been challaned and there is no likelihood of absconsion or tampering with the evidence on the part of the applicants, who even otherwise are said to be in custody since 06 months without effective progress in the trial of their case. In these circumstances, a case for release of the applicants on bail on point of further inquiry is made out.

In view of above, the applicants are admitted to bail subject to their furnishing surety in sum of Rs.50,000/- (Rupees Fifty Thousand only) each and P.R bond in the like amount to the satisfaction of the learned trial Court.

Instant bail applications are disposed of accordingly.

J U D G E