

# IN THE HIGH COURT OF SINDH AT KARACHI

## Criminal Bail Application No.1506 of 2023

Applicant : Shehroz Iftikhar @ Waqas S/o Iftikhar  
Masih through Mr. Sathi M. Ishaque,  
Advocate

Respondent : The State  
Through Mr. Abrar Ali Khichi,  
Addl. P.G., Sindh

Date of hearing : 24.08.2023

Date of order : 24.08.2023

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.365/2023 for the offence under Section 395 PPC registered at PS Shahrah-e-Faisal, after his bail plea has been declined by the learned IInd Additional Sessions Judge, Karachi East vide order dated 09.06.2023.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused has mainly contended that the applicant/accused is innocent and has falsely been implicated in this case; that no recovery was effected from the applicant; that actual name of the applicant is Shehroz but I.O. malafidely involved him in this case showing his name as Waqas; that ingredients of Section 395 PPC are not applicable in this case; that the applicant is unable to speak as he is seriously ill; that in the offshoot, the applicant has been granted bail; that the applicant is under age; that the applicant is in jail and is no more required for further investigation. Lastly, he prays for grant of post-arrest bail.

4. On the other hand, learned Addl. PG duly assisted by the I.O. has vehemently opposed for grant of bail on the ground that the applicant was arrested on the spot as after committing offence, he was trying to run away when a car hit to him as such, police

and Rangers arrested him and recovered an unlicensed pistol from his possession; that at the time of offence, he wrongly disclosed his name as Waqas but subsequently, his real name was mentioned as Shehroz.

5. I have heard the learned counsel for the parties and have perused the material available on record.

6. The case of the prosecution is that the complainant alongwith his wife were going to meet with the relatives, when they reached at Bait-ul-Hina main road towards Pehalwan Goth, Block 13, Gulistan-e-Johar, six accused persons on three motorcycles came there and intercepted them and on show off weapon, snatched mobile phone (I-Phone 7), cash amount of Rs.75,000/-, original CNIC, Geo News card, driving license, ATM card from the complainant; however, when they were trying to flee away, one car hit one of the bikes, resultantly, present applicant fell down and became injured, as such, police reached at the spot and arrested him. Upon search, police recovered one unlicensed pistol for which a separate FIR was lodged. At bail stage, only a tentative assessment is to be made. No ill-will or enmity or malafide has been pointed out by the learned counsel for the applicant. Further, robbery cases in Karachi are alarmingly increasing day by day, as such, in order to curb the situation, it is appropriate to take action against the culprits involving in such crimes. So far as the plea of learned counsel that the applicant is under age, the same has no force as it will be decided at the time of trial when evidence will be recorded.

7. In view of above, learned counsel for the applicant has failed to make out a case for grant of post-arrest bail in terms of subsection 2 of Section 497 Cr.P.C. Accordingly, the instant Bail Application is **dismissed**.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE

Kamran/PA