

THE HIGH COURT OF SINDH KARACHI

Criminal Bail Application No. 1898 of 2023

For hearing of Bail Application.

Applicant/ Accused : Muhammad Asif son of Muhammad Shafi, through Mr. Arshad Ali, Advocate.

Complainant/State : Through Ms. Amna Ansari, Additional Prosecutor General Sindh a/w IO/ASI Ahsanullah, P.S. Malir, Karachi.

Date of hearing : 27-09-2023

Date of order : 27-09-2023

*FIR No. 529/2023
U/s: 380/411/454/34 PPC
P.S. Malir City*

ORDER

Adnan Iqbal Chaudhry J. - The Applicant/ Accused seeks post-arrest bail in the aforesaid crime after the same was declined by the Sessions Judge, Malir Karachi by order dated 06.07.2023.

2. Per the FIR, the Complainant/ ASI while on patrol duty within the compound of the Malir Court, apprehended on suspicion the main accused Abdul Rehman and recovered from his person two taps allegedly stolen from the washroom of the Malir Court. Allegedly, on interrogation Abdul Rehman named the Applicant as the scrap dealer to whom he used to sell similar stolen items and lead the I.O. to the Applicant's scrap yard where he was arrested.

3. Heard the learned counsel and perused the record.

4. The Applicant has been implicated on the statement of the main accused recorded in police custody. Though it is alleged in the challan that the Applicant produced from his scrap yard a bag allegedly containing taps stolen from the premises of the Malir Court and knowingly so purchased by the Applicant from the main accused, that is a question that remains to be proved at trial. Thus the

case against the Applicant is one of further inquiry falling within the ambit of subsection (2) of section 497 Cr.P.C.

5. Of the alleged offences, the offence alleged against the Applicant is of dishonestly receiving stolen property under section 411 PPC where the maximum imprisonment prescribed is three years which does not fall within the prohibitory clause of section 497 Cr.P.C. Thus, the grant of bail becomes the rule and its refusal the exception.

6. For the foregoing reasons, the Applicant Muhammad Asif is granted bail in FIR No. 529/2023 subject to furnishing solvent surety in the sum of **Rs. 25,000/- [Rupees Twenty-Five Thousand Only]** alongwith P.R. Bond in like amount to the satisfaction of the trial Court.

Needless to state that the observations above are tentative and shall be construed to prejudice the case of either side at trial.

*PA/SADAM

JUDGE