

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
Criminal Bail Application No. 1890 of 2023

---

Date

Order with signature of Judge

---

For hearing of bail application

**22.9.2023**

Ms. Arifa Raham Ali Rind advocate for the applicant/accused  
Ms. Rubina Qadir, Deputy PG alongwith IO/SI Rana Muzaffar Ali, PS Sir  
Syed Karachi, and complainant Shahbaz Ali

-----

Through this bail application under Section 497 Cr.P.C., the applicant Tauqeer has sought admission to post-arrest bail in F.I.R. No. 439/2023, registered under Section 397/392/34 PPC, lodged at Police Station Sir Syed. The earlier bail plea of the applicant has been declined by the learned Vth Additional Sessions Judge Karachi Central vide order dated 08.07.2023 in Criminal Bail Application Nos. 1314/2023.

2. The brief facts of the F.I.R are that the complainant ASI along with sub-ordinates were patrolling in the area and found three unidentified persons while going on a motorcycle snatched the mobile after showing the weapon and police arrested them who disclosed their name as Muhammad Faraz, Muhammad Tauqeer and Nadir Ali and also recovered one TT pistol 30 bore load magazine three round alive and one infinex mobile and cash amount 150/- such report of the incident was lodged on 20.06.2023.

3. The learned counsel for the applicant contends that the applicant is innocent and has falsely been implicated in this case; that at the time of arrest, no criminal article was recovered from the possession of the applicant/accused as such the case is the doubtful and alleged recovery has been foisted upon the applicant; that the applicant/accused has committed no offense and there is no reasonable ground for believing that the applicant is the guilt of alleged offense; that the alleged offense under Section 397 PPC does not entail punishment with death or imprisonment of life but carries a minimum punishment of seven years and it is settled principle of law that when alleged offense provides two punishments then lesser punishment is to be considered at the bail stage. She lastly prayed for allowing the bail application.

4. Learned Addl. P.G has submitted has opposed the bail application on the premise that during interrogation accused confessed his guilt for committing the offense; that no enmity has been disclosed by the

applicants/accused with the complainant and /or police to involve them falsely in this case; that there exists sufficient tangible evidence connecting the accused with the offences. He further argued that the offense is against society and there is a strong likelihood that they will commit the same offense if released on bail. She prayed for the dismissal of the bail application.

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

6. A tentative assessment of the record reflects that the alleged incident took place on 20.06.2023 and was reported on the same day. The allegations against the applicant are that he along with co-accused Muhammad Faraz were arrested while snatching the mobile from the complainant Shahzad Ali. Police also recovered T.T. Pistol 30 bore from the accused Muhammad Faraz, one infinix mobile phone, and other articles from the applicant. PWs have supported the prosecution however the guilt and the innocence of the applicant are yet to be determined by the trial Court after recording the evidence. The CRO of the applicant is available on the record.

7. Prima facie some of the robbed articles were recovered from the applicant/accused. No enmity or ill-will has been suggested against the complainant or the prosecution to believe that the applicant/accused has falsely been implicated. Prima facie, sufficient material is available on record to connect the present applicant/accused with the commission of the offense.

8. In view of the above learned counsel for the applicant/accused has failed to make out a case for further inquiry at this stage. As a result, the instant bail application is dismissed. However, the trial court is directed to examine the complainant within one month and if the charge is not framed the same shall be framed on the next date of hearing. In case the trial court fails to comply with the court order the applicant can ask for bail which shall be decided on merit and the observation recorded by this court will not come in his way.

JUDGE