

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 1216 of 2023
(Imran Hassan v. The State)

Date Order with signature of Judge

For hearing of bail application

20.05.2024

M/s. Muhammad Aslam Bhutta and Muhammad Zareef Lakho, advocates for the applicant
Mr. Abrar Ali Khichi, Additional Prosecutor General for the State
Mr. Muhammad Wasif Riaz, advocate for the complainant

It is alleged that the applicant with the rest of the culprits after keeping complainant Iftikhar Ahmed and his witnesses in fear of death took away from his house, Gold Ornaments, cash and other belongings, for which the present case was registered.

The applicant having been refused bail by learned Xth- Additional Sessions Judge, Karachi, South, has sought the same from this Court by way of instant bail application under Section 497 Cr.P.C.

It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police; co-accused Abdullah and Tabark Shah have already been admitted to bail by the learned trial Court, therefore, he is entitled to be released on bail on the point of further inquiry, which is opposed by learned Additional Prosecutor General for the State and learned counsel for the complainant by contending that the applicant was identified by the complainant in identification parade; he is having a criminal record and co-accused Muhammad Shahid with similar role has already been refused bail by this Court. In response, it is stated by learned counsel for the applicant that the applicant was shown to the complainant before the

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identification parade and he has been in custody for four years, therefore, besides further inquiry he is entitled to be released on bail on the point of hardship.

Heard arguments and perused the record.

The name of the applicant does not appear in the FIR; it was disclosed by co-accused Muhammad Shahid and after his arrest he was subjected to an identification parade which was conducted by the Magistrate; it was conducted on the 3rd day of the arrest of the applicant. No explanation for such delay is offered. There is no recovery of robbed property from the applicant. The case has finally been challaned and there is no likelihood of absconsion or tampering with the evidence on the part of the applicant who has been in custody for four years. None indeed could be kept in custody for an indefinite period only for the reason that he has a criminal record. In these circumstances, a case for the release of the applicant besides on point of further inquiry is made out on the point of hardship which was not experienced by co-accused Muhammad Shahid at the time when his bail application was dismissed by this Court.

Under the given circumstances, the applicant is admitted to bail subject to his furnishing surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and P.R bond in the like amount to the satisfaction of the learned trial Court.

Instant bail application is disposed of accordingly.

J U D G E