

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

Cr. Bail A. No. S – 475 of 2024.

DATE	ORDER WITH SIGNATURE OF JUDGE
<u>26.07.2024.</u>	

FOR HEARING OF MAIN CASE.

Mr. Qurban Ali Halo Advocate for Applicant.
Ms Rameshan Odh Asstt. P.G. for the State

ZULFIOAR ALI SANGI, J:- The Applicant seeks post arrest bail in FIR No.126 of 2024, under sections 324, 392, 34 PPC registered at Police Station Badin, after his bail was declined by learned Sessions Judge Badin vide order dated 08.04.2024.

2. The facts of FIR are already mentioned in the memo of Application and FIR, same could be gathered from the copy of FIR attached with the Application, therefore, needs not to reproduce the same hereunder.

3. Counsel for Applicant contended that there is a delay of 11 days in lodging of the FIR; that the complainant at the behest of police who is enemical to the Applicant has lodged the false FIR; that prior to registration of FIR Application under section 491 Cr.P.C. was filed against the Police and thereafter the present FIR was lodged as counter blast; that no incident whatsoever as alleged in the FIR had happened and no one has received any injury during the entire incident, therefore, the matter requires further inquiry and the Applicant is entitled to the concession of post arrest bail.

4. Assistant P.G. duly assisted by counsel for complainant has opposed the grant of bail to the Applicant on the ground that Applicant is nominated in the FIR with specific role and during investigation an amount of Rs.200,000/- was recovered from the possession of Applicant. She further submits that the Applicant / accused is also involved in some other identical nature cases, therefore, he is not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the material available on record.

6. From tentative assessment of record it reveals that the Applicant is specifically nominated in the FIR, he was identified by the complainant and the P.Ws at the spot, no enmity whatsoever directly alleged against the private person / complainant and during investigation from alleged robbed amount of Rs.31,95,350/- Rs.200,000/- were recovered from his possession. The record further reveals that the Applicant was previously involved in two FIRs of same nature which is sufficient to hold that the Applicant is habitual offender. Under these circumstances, the Applicant is not entitled to the grant of post arrest bail. Resultantly, instant bail Application is dismissed.

7. 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 applicants on merits. The trial Court is directed to proceed with the matter and decide it within ninety [90] days with compliance report to this Court through Additional Registrar.

Bail Application dismissed.

JUDGE

A.