

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1854 of 2024

Applicant : Aijaz
through Mr. Muhammad Ghaffar
Khan, Advocate

Respondent : The State
through Mr. Muhammad Iqbal
Awan, Additional Prosecutor
General, Sindh a/w P.I. Ahmed Ali
Shah and P.I. Ali Gohar, I.O.

Date of hearing : 13th December, 2024

Date of short order : 13th December, 2024

Date of reasons : 23rd December, 2024

ORDER

Omar Sial, J: F.I.R. No. 227 of 2024 was registered under sections 392 and 34 P.P.C. at the Gulshan-e-Iqbal police station on 06.04.2024 on a complaint by Mohammad Arsalan. Arsalan reported that earlier that day, he and his friends were at a gaming arena when two males came on a motorcycle and deprived them of their mobile phones at gunpoint. Arsalan was asked to review a suspects' book to identify the potential robbers, but he declined. Most interestingly, while the investigating officer was on regular patrol duty the following morning, he saw the applicant, Aijaz Ali, standing next to a wall at a Sunday Market. The investigation officer detained him, and lo and behold, the applicant confessed that he was the same person who had robbed Arsalan and his friends on the previous date. No recovery was made then or to date.

2. I have heard the learned counsel for the applicant and the learned Additional Prosecutor General. Despite several notices, the complainant declined to appear on one pretext. My observations and findings are as follows.

3. The only evidence against the applicant is that Arsalan identified him in an identification parade four days after the robbery. No explanation exists for why it took the investigating officer four days to conduct the parade. Similarly, no reason was given why the remaining two persons who were robbed did not take part in the identification. The fact that Arsalan is a policeman and the applicant was in police custody for four days dilutes the efficacy of the parade. Be that as it may, whether the parade complied with the procedure laid down in law and its efficacy will be decided by the learned trial court when evidence is recorded. The case against the applicant is one of further inquiry.

4. Above are the reasons for the short order dated 13.12.2024.

JUDGE