

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.S-516 of 2024
(Majid alias Majoo Gambhir vs. The State)

Date	Order with Signature of Hon'ble Judge
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For hearing of post-arrest bail application

07.11.2024

Mr. Muhammad Ibrahim Z. Gambhir, Advocate for the Applicant
Mr. Shafi Muhammad Mahar, DPG for the State
Complainant Allah Wadhayo present in person

O R D E R

ZULFIQAR ALI SANGI, J:- Through this bail application, applicant-Majid alias Majoo Gambhir has sought for post-arrest bail in Crime No.285 of 2023 registered under Section 392 PPC, whereas, challan has been filed under Section 397 PPC at Police Station, 'B' Section Khairpur, after dismissal of his bail plea by the learned Additional Sessions Judge-III, Khairpur vide order dated 25.07.2024, hence he approached this Court for the same relief.

2. The crux of the FIR allegation is that when complainant Allah Wadhayo Gambhir along with his relatives Zaheer Ahmed and Abdul Khaliq was returning to his home on his CD-70 motorcycle, he was intercepted and stopped by the accused, out of them complainant identified one of them on the light of motorcycle as Majid alias Majoo and one unknown person, if seen again would be recognized. Accused Majid alias Majoo robbed mobile phone, one handkerchief and CD-70 motorcycle from him and then escaped away, hence instant FIR has been registered against them.

3. The bail has been sought by the counsel for applicant on the ground that there is delay in registration of FIR; that incident is night time, therefore, identification of present applicant is doubtful; that recovery of motorcycle and other articles have not been affected from the applicant; therefore, he is entitled for grant of bail.

4. The bail plea has been opposed by complainant-Allah Wadhayo Gambhir as well as the learned Deputy PG on the ground that applicant is nominated in the FIR with specific role and there appears sufficient material available on record against the applicant which connect him with the commission of alleged offence, therefore, he is not entitled for grant of bail. Learned DPG in support of his contentions places reliance on the cases of Muhammad Aneeq Vs. The State [2012 MLD 581] and Aqeeb Ali Mehmood Vs. The State and another [2017 P Cr. L J Note 129].

5. Heard learned counsel for the respective parties and record perused.

6. From perusal of record it reflects that applicant is nominated in FIR with specific role that he has snatched valuable articles viz. Mobile phone, one handkerchief and motorbike from complainant-Allah Wadhayo Gambhir and he being resident of same vicinity has rightly identified by the complainant. The PWs namely Zaheer Ahmed and Abdul Khalique have supported the version of complainant in their 161 CrPc statements. The applicant has been arrested by the police on 24.08.2023 from Central Prison, Khairpur where he was already arrested in some other criminal case. The cases like involving snatching of motorbikes, mobile phones and other valuable articles are increasing day to day in the vicinity where the applicant is residing, therefore, there is need of some deterrence and the accused involving in such like offences are to be dealt with Iron hands. In view of the above, the applicant is not entitled for grant of bail, result thereof, instant Criminal Bail Application is dismissed.

7. The observations made hereinabove are tentative and would not influence the learned Trial Court at the time of deciding the case as the same are only for deciding these bail applications.

JUDGE