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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
1st CrI. Bail Appln. No.S-527 of 2017
1st CrI. Bail Appln. No.S-528 of 2017

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
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15.01.2018.

1. For orders on office objections.
2. For hearing of Bail Application.

Mr. Habibullah G. Ghouri, advocate for applicants in both bail applications, along with applicants Riaz @ Riaz Ali, Ayaz @ Ayaz Ali and Wajid @ Wajid Ali Lakhair in Bail Application No.S-527/2017.

Mr. Khadim Hussain Khooharo, Addl. P.G.

Mr. Abid Ali Chandio, advocate for complainant.

By this single order, the two bail applications in hand are disposed of.

2. Applicants/accused Riaz alias Riaz Ali, Ayaz alias Ayaz Ali and Wajid alias Wajid Ali, all by caste Lakhair (B. A. No.S-527/2017), seek pre-arrest bail, whereas applicants/accused Siraj and Sajid alias Bhaloo, both by caste Lakhair (B. A. No.S-528/2017), seek post-arrest bail, in Crime No.16/2017, registered at Police Nau Goth, District Dadu, under Section 395, PPC.

3. As per FIR, the applicants duly armed with weapons robbed a tractor-trolley of the complainant on 19.6.2017, at 0600 hours, near Village Mitho Lakhair, Taluka Mehar, so also Rs.2000/- and a mobile phone from the driver of the tractor. The complainant in the FIR has stated that after the incident they searched about his tractor-trolley, which was spotted by him standing in the house of accused Wajid Lakhair. However, accused Sajid alias Bhaloo was arrested on 20.8.2017 and allegedly on his pointation the said tractor trolley was recovered from outside of his house on 22.08.2017, where it was parked in an open plot.

4. Learned defence Counsel has contended that the applicants are innocent and are entitled to bail.

5. Learned Counsel for the complainant has opposed the grant of bail, on the grounds that applicants are nominated in the FIR




with specific role of robbery. He has relied upon the cases reported as *Muhammad Sarwar v. The State* (2000 P Cr LJ 493), *Abdul Ghafoor v. The State* (2000 P Cr. LJ 331), *Shehzore v. The State* (2006 Y L R 3167), *Sajid Ali v. The State* (2009 P Cr. LJ 130) and *Javed Awan v. The State* (2011 P Cr. LJ 790).

6. On the other hand, learned Addl. Prosecutor General has recorded no objection and has submitted that both the parties are resident of same locality and are known to each other, therefore, it is highly unlikely for the applicants to commit robbery in the same area.

7. I have considered the submissions of the parties and perused the material available on record. The alleged robbed tractor-trolley has already been recovered. The case has been challaned and now the applicants are no more required for further investigation. The minimum punishment of the offence under Section 395, PPC is four years and does not fall within prohibitory clause u/s 497, Cr.P.C. These facts and circumstances coupled with the no objection extended by learned Addl. Prosecutor General on the grounds taken by him have made the case against the applicants to be of further enquiry. Consequently, the ad-interim pre-arrest bail of applicants in CrI. Bail Application No.S-527/2017 is confirmed on the same terms and conditions of the order dated 31.10.2017. The bail application of applicants Siraj and Sajid alias Bhaloo is also allowed and they are granted post arrest bail subject to their furnishing a solvent surety of Rs.50,000/- each and P.R bond in the same amount to be executed before the trial Court.

8. Both the bail applications are disposed of.

9. The observations made hereinabove are tentative and shall not prejudice the case of either party at trial.


JUDGE 15-1-2018