

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

Cr. Bail Application No.S- 67 of 2015

DATE	ORDER WITH SIGNATURE OF JUDGE
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18.05.2015.

Mr. Muhammad Saleem Chohan advocate for the applicant.

Shahzado Saleem Nahyoon, A.P.G.

Complainant Muhammad Farhan is present in person.

MUHAMMAD IQBAL KALHORO,J- Applicant namely Faizan is seeking post arrest bail in Crime No. 50/2014 U/s 17(1) Offences Against Property (Enforcement of Hudood) Ordinance, 1979 registered at P.S Sakhi Pir Hyderabad.

The relevant facts of the case are that the complainant namely Muhammad Farhan appeared at above P.S and stated that when he was present along with his family members in his house on 13.09.2014 at about 1700 hours, two boys armed with weapons trespassed into his house and threatened them to be silent after which they demanded household articles from them. However, complainant party raised cries and offered resistance as a result of which they escaped away from his house. A number of neighbourers gathered in his house but could not trace the unknown accused.

For the above, the FIR was registered and investigation started and during which the present applicant was arrested on 13.10.2014 for possessing one licensed pistol of 30 bore, hence he was booked in Crime No. 51/2014 at the same Police Station. During investigation of the above crime, the applicant admitted that he had committed the present offence as such on the basis of such admission he was also booked in the present case and against him charge sheet U/s 173 Cr.P.C. was submitted before the trial court. The applicant moved application U/s

497 Cr.P.C before the trial court but the same was dismissed vide order dated 24.11.2014.

Mr. Muhammad Saleem Chohan advocate has argued that the applicant is innocent and has been falsely implicated in this case by the police to show their efficiency. He has stated that this is a case of no evidence wherein simply on the basis of alleged admission of the applicant before the police officials he has been arraigned as an accused in the present case. His next contention is that the alleged admission of the present applicant before the police officials has no value in the eyes of law. He has further argued that from the applicant nothing has been recovered to establish his link with the commission of present offence. He has lastly prayed for grant of bail to the applicant.

The complainant present in person has raised no objection to the grant of bail by stating that in fact he had not given the name of the present applicant before the police.

Learned A.P.G though has opposed the grant of bail but could not point out any incriminating evidence establishing the nexus of the applicant with the commission of offence for the purpose of deciding the instant bail.

I have heard the counsel for the parties and complainant in person. As per allegation in the FIR two unknown persons trespassed into the house of complainant and tried to loot, therefore, but due to resistance of complainant party they could not succeed and decamped from the scene of occurrence, in pursuance of such incident, the FIR was registered against unknown persons. Applicant was arrested by the police for possessing an unlicensed pistol and a case was registered against him in the investigation of which he had admitted his involvement in the present case. Apart from the alleged admission made by the applicant before the police officials apparently there is no any evidence so far collected by the prosecution against the present applicant to connect him with the commission of the offence. The importance of the admission allegedly made by the applicant is to be weighed by the trial court during trial. However, under the

prevalent circumstances the case against the applicant appears to be one of further inquiry in terms of Section 497 (ii) Cr.P.C.

Accordingly, the applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.50,000/- and P.R Bond in the like amount to the satisfaction of the trial Court.

Bail application stands disposed of.

JUDGE

A.H.