

ORDER SHEET
**IN THE HIGH COURT OF SINDH
CIRCUIT COURT HYDERABAD**

Criminal Bail Application No.S-1145 of 2022
Criminal Bail Application No.S-1146 of 2022
Criminal Bail Application No.S-1147 of 2022
Criminal Bail Application No.S-1148 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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21-11-2022

Mr. Rao Faisal Ali advocate for applicant in all bail applications.

Mr. Abdul Waheed Bijarani A.P.G. Sindh along with ASI Ali Hyder Chandio PS Shadi Pali.

Mr. Khait Kumar Khatri along with complainant(s) present in person files Vakalatnamas in Criminal Bail Application Nos.1147 and 1148 of 2022, taken on record.

MUHAMMAD IQBAL KALHORO, J: - Applicant has been involved in four cases. In crime No.25/2022, under section 392, 34 PPC registered at PS Pithoro, applicant is alleged to have committed robbery of a motorcycle along with co-accused Hub Ali and one unknown accused from complainant from near Grid Station Pithoro on 25.05.2022, FIR however was registered on 12.08.2022 after about more than 2 ½ months. The alleged motorcycle was recovered from co-accused Hub Ali and not from the applicant on 10.08.2022 and thereafter FIR was registered nominating applicant and co-accused in the case.

2. In crime No.23/2022 under section 382, 34 PPC registered at PS Pithoro, applicant is alleged to have stolen one Cow of the complainant from cattle-pond along with an unknown co-accused and was identified by the complainant. This FIR was registered on 05.08.2022. In crime No.09/2022, it has been alleged that complainant ASI Ali Hyder Chandio during patrolling on 09.08.2022 arrested applicant and from him stolen Cow and an unlicensed weapon were recovered from near Goth Maqsood Ahmed Channa, hence, he registered crime No.09/2022 under section 411 PPC and crime No.10/2022 under section 23 (i) (a) Sindh Arms Act, 2013 at PS Shadi Pali.

3. I have heard learned defense counsel so also counsel for complainant and learned Assistant Prosecutor General Sindh, latter has submitted that a prudent mind does not accept the stories

narrated by the complainants in FIRs. However, counsel for complainant has opposed bail.

4. It is apparent that within a short span of time within 10 days in the month August 2022, four cases have been registered against applicant. It is informed that applicant in fact is relative of complainant in crime No.23/2022 under section 382, 34 PPC and there is a dispute between them over some plot.

5. In all the cases, the Challan has been submitted and applicant is no more required for further investigation, the offences do not fall within prohibitory clause under section 497 (1) Cr.P.C. The prosecution stories *prima facie* do not appeal to the prudent mind that within no time in the month of August, applicant became a criminal and committed four crimes consecutively and still he was roaming in the same area with stolen booty. ASI Ali Hyder Chandio, who has registered crime No.9 and 10 of 2022, has not been able to satisfactorily reply to queries of the Court in this regard and it is apparent that he has misconducted himself in registering the cases against the applicant.

6. In view of above, all the applications are **allowed** and applicant is granted bail in all four crimes viz. Crime No.23/2022, under section 382, 34 PPC; crime No.25/2022, under section 392, 34 PPC registered at PS Pithoro and crime No.09/2022, under section 411 PPC and crime No.10/2022, under section 23 (i) (a) PPC registered at PS Shadi Pali, subject to furnishing a solvent surety in the sum of Rs.25000/- [rupees twenty five thousand only] in each case and PR bond in the like amount to the satisfaction of learned trial Court.

7. The Senior Superintendent of Police, District Umerkot is however directed to appoint some Senior Police Officer not below the rank of DSP to reinvestigate the cases and if ASI Ali Hyder Chandio, who is complainant in crime No.09 and 10 of 2022 of PS Shadi Pali, is found delinquent shall take disciplinary action against him under the information of this Court for a perusal in chamber.

8. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

All bail applications stand disposed of.

JUDGE