

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Date	Order with signature of Judge
------	-------------------------------

Cr. Bail Appl No.1440 of 2019

Mehrullah alias ShahmeerApplicant

Versus

The State.....Respondent

Cr. Bail Appl No.1441 of 2019

Mehrullah alias ShahmeerApplicant

Versus

The State.....Respondent

For hearing of Bail Application.

03.12.2019.

Mr. Kanwar Altaf Bhatti, Advocate for Applicants
Mr. Ali Haider Saleem, DPG

ORDER

By this order we dispose of above bail applications, whereby applicant is seeking post arrest bail in the cases bearing Crime No.121/2019, U/s 353, 324, 34 PPC r/w section 7 ATA and Crime No.122/2019, U/s 23(i) A Sindh Arms Act, both FIRs registered at Police Station Taimoria, Karachi.

2. Applicant and co-accused Abdul Hameed were arrested on 10.04.2019 at 1530 hours after an encounter with police of Police Station Taimoria, District Central, Karachi headed by ASI Abdul Shakoor. From applicant one 9mm pistol along with bullets was recovered, besides a robbed motorcycle, which they had snatched from jurisdiction of Police Station New Karachi on the same day and in respect of which FIR No.93/2019 was already registered. The incident of encounter and subsequent recovery as per FIR allegedly took place at 1530 hours, whereas in memo of recovery and arrest, the time of occurrence has been shown at 1445 hours. In the main case of robbery u/s 392 crime No.93/2019, applicant has been acquitted by the trial Court vide judgment dated 19.11.2019, a copy of which learned defence counsel has placed on record in support of his arguments. His further arguments are that in encounter no one was injured from police party and even there is no record to show that the private vehicle the police was travelling in was hit in the shootout, which makes the case against the applicant to be of further enquiry.

3. Learned DPG, however, has opposed grant of bail to the applicant.
4. We have considered submissions of the parties and perused the material available on record. The applicant is in custody since 10.04.2019 and is no more required for further investigation. In the main case u/s 392 PPC, he has been acquitted by the trial Court and there is no record showing that his acquittal has been questioned by the prosecution. In the alleged encounter admittedly no one was injured. There is also a discrepancy in the time of incident shown in the FIR and in memo of arrest and recovery. This fact put together with others circumstances highlighted above makes the case against the applicant to be of further enquiry. Accordingly, these bail applications are allowed, the applicant is granted post-arrest bail in both the case subject to furnishing a solvent surety in the sum of Rs.100,000/- (Rupees one hundred thousand only) each and P.R bond in the like amount to be executed to the satisfaction of the trial Court.
5. The bail applications are disposed of; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

Judge

Judge

Rafiq P.A.