

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI.**

Cr. Bail Appl No. **468** of 2018

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Date	Order with signature of Judge
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*Present:-*

*MR. Justice Muhammad Iqbal Kalhoro.*

*Mr. Justice Muhammad Karim Khan Agha.*

**For hearing of Bail Application.**

**08.05.2018.**

Mr. Muhammad Ayaz Khan, advocate for the applicants  
 Mr. Ali Haider Salim, DPG along with complainant.

**ORDER**

**MUHAMMAD IQBAL KALHORO J:** By this single order, we dispose of above three bail applications, whereby the applicants are seeking post arrest bail in case bearing crime No.334/2017, U/s 395, 353, 334 PPC read with Section 7 ATA, registered with Police Station Surjani Town, Karachi; in case bearing crime No.335/2017 and Crime No.336/2018, U/s 23(i) A SAA Sindh Arms Act, 2013 read with Section 7 ATA, registered with Police Station Surjani Town, Karachi.

2. As per FIR the applicants/accused were arrested on **18.08.2017** at about 04:30 hours from inside the house of the complainant situated in Surjani town, Karachi after committing robbery when on the neighbor's call alarmed by the commotion coming from the house of the complainant, the police arrived and exchanged fires with the accused. Resultantly the police recovered not only a pistol from each of the accused but the robbed articles, so also two stolen motorcycles on which they had come to the spot for committing the crime. However, their other accomplices went upstairs and escaped from there. All necessary formalities were completed and thereafter the applicants/accused were brought at the Police Station and booked in three FIRs.

3. Learned defence counsel has argued that applicants are innocent and have falsely been implicated in this case; that there are contradictions in the FIR in respect of the facts of the incident, which makes case against the applicants to be one of further inquiry; that the story narrated in the FIR even otherwise does not inspire confidence. Learned counsel in support of his contentions has relied upon the case laws reported in *2008 M L D 242*, *2017 M L D 46* and *unreported order passed in Cr. B.A. No.1777 of 2017*.

4. On the other, learned DPG, who is assisted by the complainant has opposed grant of bail to the applicants on the ground that applicants were arrested from the spot alongwith robbed articles, which shows their involvement in the case.

5. We have considered submissions of the parties and perused the material available on record and the case laws cited at the bar. Applicants were arrested from inside the house of the complainant while committing robbery after an exchange of firing with the police and after their arrest not only robbed articles but two stolen motorcycles on which they had come to commit alleged robbery and an unlicensed pistol each were also recovered from them. These facts show *prima facie* involvement of the applicants in the offence and there is no enmity of the applicants with the police or the complainant to raise any suspicion of their false implication. The case laws relied upon by the learned defence counsel are based on distinguishable facts, therefore are not applicable. In view of this position the applicants are not entitled for grant of bail. Accordingly, we dismiss these bail applications. However, as we have been informed that trial court has already framed the charge; we direct the trial court to expeditiously hold the trial and conclude it preferably within a period of four months.

6. The bail applications are disposed of in the above terms; the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

**J U D G E**

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Rafiq/P.A.