

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI.**  
**Cr. Bail Appl No.528 of 2018**

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

Present:-

*Mr. Justice Muhammad Iqbal Kalhoro.*

*Mr. Justice Muhammad Karim Khan Agha.*

**For hearing of Bail Application.**

**28.05.2018.**

Mr. Muhammad Hanif Qureshi, advocate for applicant

Mr. Ali Haider Saleem, DPG

**ORDER**

**MUHAMMAD IQBAL KALHORO J:** By this order, we dispose of above bail application, whereby applicant is seeking post arrest bail in a case bearing crime No.13/2018, U/s 385, 386, 34 PPC read with Section 7 of Anti-Terrorism Court ('ATA') Act, 1997, registered at Police Station, Yousuf Plaza, Karachi

2. It is alleged in the FIR that applicant along with his four (04) accomplices received bhatta of Rs.9,50,000/- from the complainant, who deals in the business of chicken, on account of getting his plot illegally occupied vacated but which they failed to do so and afterwards again demanded a bhatta from him. The complainant then registered the FIR against them. During investigation the applicant along with his accomplices was arrested red-handed while receiving bhatta from complainant on 22.0.2.2018 and such extortion amount was recovered from him.

3. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that there are lacunas in the FIR and the prosecution story, which do not inspire confidence and make the case against the applicant to be one of further inquiry. In support of his arguments, he has relied upon the case law reported in 1999 Y L R 1753 and 2012 P Cr. L J 70.

4. On the other hand, learned DPG has opposed grant of bail to the applicant on the ground that applicant is nominated in the FIR and there is no enmity between the complainant and the applicant to raise any suspicion of enmity between the parties; that the applicant was arrested on the spot and extortion money was recovered from him.

5. We have considered submissions of the parties and perused the material available on record, including case law cited at bar. In our view, there is sufficient material to connect the applicant with the commission of offence, he is nominated in the FIR with specific allegation of receiving Rs.9,50,000/- as bhatta form the complainant, who is a businessman. During investigation of the case he was again caught red-handed receiving bhatta from the complainant.

Such pieces of evidence, *prima facie*, are sufficient to show nexus of the applicant with the commission of offence and there is no enmity between the parties to raise any suspicion of false implication of the applicant. We are of the view that the applicant at this stage is not entitled to concession of bail. Accordingly, this bail application is dismissed. However, we direct the trial court to expedite the trial and examine the material witnesses including complainant and mashirs of arrest and recovery within a period of three (03) months, whereafter the applicant would be at liberty to move a fresh bail application before the trial Court, which if filed, shall be decided on its own merits.

6. The bail application is 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**

**J U D G E**

Rafiq/P.A.