

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
 Cr. Bail Appl No.1952 of 2017

Date	Order with signature of Judge
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Present:-

MR. Justice Muhammad Iqbal Kalhor.

Mr. Justice Muhammad Karim Khan Agha.

For hearing of Bail Application.

30.04.2018.

Mr. Salahuddin Khan Gandapur, advocate for applicant
 Mr. Ali Haider Salim, DPG

ORDER

MUHAMMAD IQBAL KALHORO J: By this order, we dispose of above bail application, whereby the applicant is seeking post arrest bail in case bearing crime No.42/2014, U/s 324, 353, 34 R/W Section 7 Anti-Terrorism Act (ATA), 1997, registered with Police Station Aziz Bhatti, Karachi.

2. It is alleged in the FIR that applicant was arrested on **28.01.2014** at about 1550 hours along with co-accused Muhammad Owais after an encounter with the police of Police Station Aziz Bhatti headed by SIP Ghulam Shabbir Kharral in which both were allegedly injured and from both of them an unlicensed pistol each was recovered, as such in three different cases, the applicant and co-accused were booked. During the trial, pending before the learned District & Sessions Judge East, Karachi, the applicant was granted post-arrest bail vide order dated **27.02.2014**. However, subsequently the case was transferred to the learned ATC Court concerned, where the applicant was granted pre-arrest bail, which later on vide order dated **24.10.2017** was recalled and he was arrested.

3. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that in the alleged encounter no one from the police party was injured and even nothing is on record to show that private car the police party was traveling in was hit by any bullet fired by the applicant and co-accused. He has further stated that in the case of alleged recovery of pistol, the applicant has been granted bail by this court vide order dated **13.05.2014** in Cr. B.A. No.636 of 2014; that co-accused namely Muhammad Owais has died and due to that the case is still on the initial stage and even charge has not yet been framed.

4. On the other, learned DPG has opposed grant of bail to the applicant on the ground that applicant's name is mentioned in the FIR and from him an unlicensed pistol was recovered. However, learned DPG has not denied that applicant has been granted bail by this court in the case of recovery of weapon

and that during an encounter no one from the police party was injured. We have also seen that the injuries mentioned in the FIR and the injuries shown in the medical certificate do not match with each other. Besides even the private car police party was travelling in did not receive any bullet mark. Therefore, we find the case against the applicant requires further inquiry into his guilt and he is entitled to the concession of bail. Consequently, this bail application is allowed, the applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.500,000/ (Rupees five hundred thousand) with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court. However, the trial court is directed to expedite the trial and conclude it within a period of three (03) months hereof and submit such compliance report through MIT-II of this Court.

5. 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.