

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
 Cr. Bail Appl No. **1550** of 2018

Date	Order with signature of Judge
1. <u>For orders on office objection at Flag-A</u>	
2. <u>For hg. of bail Application</u>	

20.12.2018.

Mr. Ali Haider Saleem, DPG.

ORDER

By this order, we dispose of above bail application, whereby applicant is seeking post arrest bail in a case bearing crime No.280/2018, U/s 324, 353, 34 PPC, registered at Police Station, Shah Faisal Colony, Karachi.

Mr. Aftab Ahmed Satti, advocate has filed power on behalf of the applicant, which is taken on record.

Allegedly police party of Police Station Shah Faisal Colony, Karachi headed by ASI Zafar Iqbal was on patrol duty on **09.09.2018** at about 0415 hours during when on suspicion they signaled two (02) boys riding on a motorcycle to stop but instead they resorted to indiscriminating firing at police party. Police retaliated and succeeded in arresting one accused namely Nabeel Ahmed, who disclosed name of absconding accused as Rizwan alias Doodha, the present applicant. He was arrested on the same date at about 0630 hours from Azeem Pura Qabrustan Road within the jurisdiction of Police Station Al-Falah and from him allegedly one pistol of 30 bore along with magazine and 04 live bullets was also recovered.

Learned defence counsel has argued in favour of grant of bail to the applicant on the ground that he was not arrested from the spot and his name was disclosed by the co-accused.

Learned DPG has opposed grant of bail to the applicant, however, has not been able to deny the fact that the applicant was not arrested from the spot and his name was disclosed by the co-accused. Further, he has informed that applicant is involved in four (04) more cases but at the same time has conceded that in two (02) cases, he has been acquitted, whereas, in remaining cases, he has been granted bail.

We, in the above facts and circumstances are of the view that the case against the applicant requires further enquiry, because although it is alleged that an encounter had taken place between accused persons and the police party but no one was injured therein and the applicant was not arrested from the spot. As for other cases against him, the applicant has been acquitted in

two (02) cases and in remaining cases he has already been granted bail. Accordingly, we allow this bail application, the applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.200,000/ (Rupees two hundred thousand only) with P.R. bonds in the like amount to be executed to the satisfaction of the trial Court.

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.