

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
 Cr. Bail Appl No.1093 of 2019
 Cr. Bail Appl No.1094 of 2019
 Cr. Bail Appl No.1095 of 2019

Date	Order with signature of Judge
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Present:-

Mr. Justice Muhammad Iqbal Kalhoro J.
Mr. Justice Zulifqar Ahmed Khan, J.

For hearing of Bail Application.

18.10.2019.

Mr. Muhammad Zareen Satti Advocate for the applicant.
 Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh

ORDER

MUHAMMAD IQBAL KALHORO J: By this single order, we dispose of above captioned bail applications, whereby the applicant is seeking post arrest bail in case bearing Crime No.184/2019 U/s 353, 324, 34 PPC Section 7 ATA; Crime No.185/2019 U/s 23(i)-A SAA; and Crime No.186/2019 U/s 4/5 Explosive Substance Act, R/W Section 7 ATA 1997, all FIRs registered at Police Station Ibrahim Haideri, Karachi.

2. Applicant was arrested on 10.05.2019 at about 2000 hours by police of Police Station Ibrahim Haideri, Karachi from Mehar-un-Nisa Road, Near Parco Chowrangi, Ibrahim Haideri after an encounter in which his accomplices namely Jahanzaib Pathan and Ayub Bengali made their escape good. From his possession one 30 bore pistol, one bomb i.e. grenade were recovered. On the basis thereof, the applicant has been booked in three (03) different cases.

3. Mr. Muhammad Zareen Satti, Advocate has filed Vakalatnama on behalf of the applicant and argued that applicant is innocent and has been falsely implicated in this case; that the private witness, who has been made as Mashir is a star witness of police; that there is difference between description of bomb mentioned in the memo of arrest and recovery and the report of bomb disposal squad, as such the case of the applicant requires further enquiry.

4. On the other hand, learned Additional Prosecutor General Sindh has opposed bail to the applicant and has submitted that the applicant was arrested after encounter and from him explosive as well as illegal weapon was recovered. He has further submitted that the trial has commenced and 02 out of 05 witnesses have been examined.

5. We have considered submissions of the parties and perused the material available on record. Needless to say that at bail stage only tentative assessment of the material is to be undertaken. *Prima facie* there is sufficient evidence against the applicant connecting him with the present offence as from the applicant an illegal weapon i.e. 30 bore pistol and one bomb have been recovered which has been supported by the witnesses. Although, except one private witness namely Syed Ayaz Hussain, all the witnesses are police officials but there is nothing on record to show that they have any enmity with applicant to falsely implicate him. Besides, as informed, the trial has commenced and 02 out of 05 witnesses have been examined which would mean that the case is likely to be concluded shortly. In such circumstances, we are of the view that applicant has not been able to make out a case for bail. Accordingly, these bail applications are dismissed. However, the trial Court is directed to expedite the trial and conclude it within two (02) months from the date of receipt of this order and submit such report through MIT-II of this Court.

6. Bail applications stands disposed of in the above terms. The observations 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.

There is no enmity between the applicant and the prosecution witnesses to raise any suspicion of his false implication in the case. In view of above, we do not find the applicant entitled to concession of bail at this stage