

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
 Cr. Bail Appl No.1303 of 2018
 Cr. Bail Appl No.1304 of 2018

Date	Order with signature of Judge
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Present:-

MR. Justice Muhammad Iqbal Kalhoro J.
Mr. Justice Shamsuddin Abbasi, J.

For hearing of Bail Application.

19.10.2018.

Mr. Saadat Hassan, Advocate for the applicant.
 Mr. Ali Haider Saleem, DPG along with ASI Rao Fayaz

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.271/2018, U/s 392, 353, 324, 186, 34, R/W section 7 ATA and crime No.272/2018, U/s 23-(i)A Sindh Arms Act, both FIRs registered at P.S. Zaman Town, Karachi.

2. Complainant is a Taxi driver, he has stated that on **03.06.2018** at about 2015 hours, he was travelling with passengers and when reached Sector 50/A, Bus Stop 17-K, Korangi No.4, he was waylaid by four (04) accused ridding on two motorcycles, who started committing robbery from him and the passengers. However, they raised hue and cry and meanwhile police party of Police Station Korangi arrived at the place of incident and was able to arrest the applicant after an encounter in which he was injured and from him recovered one unlicensed 30 bore TT pistol. Whereas, his three (03) accomplices are stated to have escaped from the spot.

3. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in this case; that no specific role has been ascribed to the applicant in the FIR and the unlicensed 30 bore pistol has been planted upon him; that this is a case of a simple quarrel between two parties in which the applicant was injured and arrested, however, police malafidely has converted it into the case of robbery, regarding which no evidence is available on the record.

4. On the other hand, learned DPG has opposed grant of bail to the applicant/accused and has submitted that applicant was arrested from the spot while committing robbery and from him an unlicensed weapon was recovered. During the investigation not only the complainant but one PW-2, Muhammad Kamran, who both are private persons have supported the prosecution case.

5. We have considered submissions of the parties and perused the material available on record. In our view there is *prima facie* sufficient evidence on record against the applicant that he is involved in the alleged crime. He was arrested from the spot after an encounter when police found him and his accomplices committing robbery from the complainant party. He was injured in the encounter and from him an unlicensed 30 bore pistol was recovered. The complainant and one PW-2 Muhammad Kamran have supported the incident against the applicant and the police officials, who were members of the police party, have also supported the case against the applicant in the 161 Cr.P.C. statement. 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. Accordingly, these bail are dismissed. However, we are hopeful the trial Court would expedite the trial and examine complainant and the private witnesses within three (03) months from today and thereafter 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. 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.