

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Date	Order with signature of Judge
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Cr. Bail Appl No.567 of 2020

Mukhtar Ali & anotherApplicants

Versus

The State.....Respondent

Cr. Bail Appl No.665 of 2020

Ghulam Shabbir KhosaApplicant

Versus

The State.....Respondent

For hearing of Bail Application.

06.08.2020.

Mr. Muhammad Farooq, Advocate for applicants
Mr. Wazeer Hussain Khoso, Advocate for complainant
Mr. Ali Haider Salim, DPG

ORDER

Applicants are seeking post arrest bail in a case bearing Crime No.90/2015, U/s 365, 395, 302, 344 PPC r/w section 7 ATA, 1997 registered at Police Station Sachal, Karachi.

2. Allegedly son of the complainant namely Anees-ur-Rehman aged about 17 years was picked up by SHO Police Station Sachal namely Ismail Lashari from Marrora Goth Karachi on 12.06.2014 and when complainant approached him for his release, he demanded bribe of Rs.500,000/-, which since he could not arrange, his son was killed by said SHO. However, during his captivity, applicants, who are also police officials, along with said SHO raided the house of complainant at night and after manhandling womenfolk took away their gold ornaments. FIR was registered on 23.02.2015 after delay of 08 months but stands explained in view of all accused being police officials.

3. Learned defence counsel has argued that applicants are innocent and have been falsely implicated in this case; that no specific role has been attributed to them and the main accused Ismail Lashari is absconder; that applicants were on pre-arrest bail continuously for years together and are in custody since 21-10-2019 but no progress in the trial has been made; that son of the complainant was murdered in an encounter with police of Police Station Sohrab Goth and such case being Crime No.186/2014 is pending trial.

4. On the other hand, learned counsel for the complainant and DPG have opposed grant of bail to the applicants and have argued that there is *prima facie* evidence against them; that they are nominated in FIR and were in league with main accused in committing alleged crime. They have proposed that directions for expeditious trial may be issued and they are ready to produce the witnesses before the trial court.

5. We have considered submissions of the parties and perused the material available on record. The only allegation against the applicants is that during captivity of complainant's son they along with said SHO had barged into his house and after beating womenfolk and damaging household articles had taken away gold ornaments. However in the case no family inmate has been cited as a witness to support such allegation. Learned trial court has opined that it is due to inefficiency of the I.O., who has done favour to the accused being police officials. Be that as it may, for the time being there is nothing on record to support the allegation against the applicants. Even so far complainant has not made any effort to introduce relevant family member in the case as a witness for establishing this allegation. It is also surprising that for the last 4/5 years and even after arrest of applicants on 21.10.2019 no progress has been made in the trial. The main allegation of committing murder of deceased is against SHO, Inspector Ismail Lashari, who is absconder and in this respect no role has been assigned to the applicants. Therefore, we are of the view that case against the applicants requires further inquiry and they are entitled to concession of bail. Accordingly, these bail applications are allowed, and the applicants are granted post-arrest bail subject to furnishing a solvent surety in the sum of Rs.100,000/- (Rupees one lac) each and P.R bond in the like amount to be executed to the satisfaction of the trial Court.

6. The bail applications are disposed of in the above terms. The findings made hereinabove are tentative in nature and shall not prejudice case of either party at trial. The trial court is however directed to expedite the trial and conclude the same within a period of 03 months without fail and submit such compliance report through MIT-II of this court.

Judge

Judge

Rafiq P.A.