

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.1294 of 2020

Date	Order with signature of Judge
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Muhammad Ali @ Bangali Applicant

Versus

The State Respondent

For hearing of bail application

01.10.2020

Mr. Niaz Muhammad Khoso, advocate for applicant
Mr. Abrar Ali Khichi, Addl: P.G. Sindh

ORDER

Complainant, Muhammad Naseem Akhtar, who is Doctor by profession has lodged subject FIR alleging that on 13.03.2020 when he was present at his clinic he received an envelope with two bullets and a chit from Babar Lyari demanding 'bhatta' from him and reminding him an earlier incident when he had paid him the 'bhatta'. Later on 20.03.2020 when applicant and co-accused Waqas came at his clinic to receive 'bhatta' they were arrested and from them two SIMs used in the offence were recovered.

2. Learned defence counsel has argued that applicant is innocent and has been falsely implicated in this case; that his name is not mentioned in FIR; that the prosecution story does not appeal to the common sense; that in such like cases this court has been pleased to grant bail to a number of accused. He has relied upon the case laws reported in **2018 P Cr. LJ 137 and 2007 YLR 2584** in support of his arguments.

3. On the other hand, learned Addl: P.G. Sindh has opposed bail to the applicant and has informed that applicant has a criminal history.

4. After having heard both the parties, we are of the view that applicant is not entitled to concession of bail, there is sufficient *prima facie* evidence against him, he was arrested from the clinic of the complainant where he had gone to receive 'bhatta'. The complainant is Doctor by profession and apparently has no enmity with the applicant to falsely implicate him. No ground for exercising discretion in favour of application is made out. The application is dismissed; however, learned trial court is directed to conclude the trial within a period of three (03) months. In any case, after such period,

the applicant would be at liberty to move a fresh bail application before the trial Court, which if filed, shall however be decided on its own merits

4. The bail application is disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

Judge Judge

Rafiq P.A.