

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl No.487 of 2020

Hasnain Raza @ Kashif Asif.....Vs..... The State

For hearing of bail application

**10.09.2020**

Mr. Khawaja Muhammad Azeem, Advocate for Applicant  
Mr. Liaquat Ali Khashkheli, advocate for complainant  
Mr. Ali Haider Salim, DPG I.O./PI Abdul Majeed, P.S. Soldier  
Bazar

**ORDER**

Complainant lodged FIR on 17.05.2019 alleging that on 14.05.2019 at 05:00 a.m. 07 accused including a woman traveling in VIGO Toyota Black Colour under pretence of being NAB officials entered his house on force of weapons and one of them introduced himself as Major Akhtar Abbas. Then they all went on a looting spree of household articles. Thereafter they brought the complainant forcefully at the house of his colleague Saeedullah Soomro residing in Gulistan-e-Jauhar and repeated the same crime. Allegedly, said Major Akhtar Abbas contacted the complainant on phone subsequently and demanded Rs.10 lac for sparing him.

2. On the same date i.e 17.05.2019, applicant was arrested by Police of Police Station Mubina Town in Crime No.180/2019, u/s 23(i) SAA. Later on complainant's identifying him as one of accused, he was arrested by the Investigating Officer in present case and further on 21.05.2019 on his pointation Rs.55,000/-, some of alleged robbed cash, was recovered from his house.

3. Learned defence counsel has submitted that applicant is innocent and has been falsely implicated in this case; that no evidence is available against him; that recovery of Rs.55,000/- has been foisted upon him; that he is in jail for the last one year but still the trial has not been concluded as such he is entitled to bail.

4. Learned counsel for the complainant and learned DPG along with I.O of the case have opposed this application and have stated that sufficient evidence is available against him; he is a habitual offender involved in more than 20 cases of similar nature. The CDR record of applicant's phone has confirmed his presence at the spot at the time of

incident and the pistol recovered from him has been identified to have been used in the commission of offence and further recovery of cash has connected him with the offence.

5. We have considered submissions of the parties and perused the material available on record. Involvement of the applicant in the case appears to be a result of complainant's identifying him at Police Station as accused where he was available arrested in some other crime; on his pointation recovery of some robbed cash and recovery of crime weapon. Criminal record of applicant showing his involvement in more than 20 cases of similar nature is an extra bonus to prosecution as it tends to verify his criminal tendency, which viewed in the backdrop of above facts has persuaded us to dismiss this application and direct the trial court to examine the complainant within a period of 02 months without fail. After which, in any case, the complainant would be entitled to move a fresh bail application before the trial court for a decision on its own merits in accordance with law.

6. 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.

Judge

Judge

Rafiq P.A.