

ORDER SHEET  
**IN THE HIGH COURT OF SINDH,**  
CIRCUIT COURT, HYDERABAD.

**Criminal Bail Application No.S-325 of 2020.**  
**Criminal Bail Application No.S-326 of 2020.**

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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**15-05-2020**

Mr. Ali Muhammad Memon, advocate alongwith applicant.

Mr. Nazar Muhammad Memon, Additional Prosecutor General.

Complainant Muhammad Rafiq Lashari is present in person.

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By means of above applications, applicant Ismail alias Abri seeks pre-arrest bail in Crime No.59/2020, under sections 392/34 PPC and Crime No.57/2020, under sections 392/34 PPC both registered at P.S. Tando Muhammad Khan.

2. Both the cases involve same nature of offence that the applicant alongwith co-accused namely Akram snatched mobile phones from the complainants. Said co-accused was arrested and from him robbed articles were recovered. However, he has been granted bail by the trial Court in both the cases vide order dated 17.04.2020 and 23.04.2020 respectively mainly on the basis of no objection extended by the complainant in each case. Although, I have reservations over grant of bail to co-accused by the trial Court on the basis of affidavit of no objection in a non-compoundable offence as apparently it is against the well settled law but since the said order has not been challenged by either party including the State, I refrain myself from passing any comment on merits of the said orders. However, it is apparent that the complainant in both the FIRs on the one hand have given names of accused for committing robbery and on the other hand have filed affidavits extending no objection to grant of bail to them.

3. Learned defence counsel while emphasizing such development and delay of almost 8 and 10 days respectively in lodging the FIR has submitted that false implication of applicant out of malafide cannot be ruled out.

4. Learned Additional Prosecutor General although has rebutted the said argument but has not been able to deny that the robbed articles were recovered from co-accused who has been granted bail and the U-turn taken

by the complainant in each case has brought the cases at a stage where malafide on his part cannot be rule out and which need to be weighed by trial Court. In the said circumstances, both criminal bail applications are allowed, the ad-interim pre-arrest bail granted to the applicant vide orders dated 13.04.2020 is confirmed on the same terms and conditions. However the trial Court is directed to conclude the trial within a period of three (03) months strictly in accordance with law without being influenced by the affidavits of the complainant and submit such compliance report.

5. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

**JUDGE**

Irfan Ali