

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl. No.2967 of 2024
(Ghulam Murtaza Vs. The State)

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| Date | Order with signature of Judge |
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05.03.2025.

Mr. Zahid Hussain Soomro, advocate for applicant
Mr. Ali Haider Saleem, Addl: PG

ORDER

MUHAMMAD IQBAL KALHORO J: Complainant was robbed of belongings on 15.03.2024 by three armed dacoits ridding on a motorcycle near Ayoub Goth, Near Larkana Saji Hotel, Scheme-33, Karachi. He registered the FIR on 16.03.2024 against unknown accused. On 17.03.2024, one day after the FIR, three accused including applicant were arrested by the police u/s 23(i) of Sindh Arms Act, 2013, who called the complainant, who identified them to be the same persons. However, subsequently the complainant filed an affidavit in Cr.B.A No.1049/2024 before this Court stating that one of the co-accused, namely, Ali Haider was not the same person, and gave no objection to this bail. He has been granted bail therefore by this Court vide order dated 08.07.2024. The second accused, namely, Muhammad Umar was granted bail on 18.10.2024 on merits and in the consideration of the fact that co-accused, namely, Ali Haider had been granted bail.

2. The case of the applicant *prima facie* is on the same footing. He was identified by the complainant at the Police Station but no identification parade, as required by law before the Magistrate, has taken place. No recovery of robbed articles has been effected either from the applicant. Insofar as recovery of pistol is concerned, it was witnessed only by police officials and the minimum punishment is less than 07 years, hence, does not come within prohibitory clause u/s 497(i) Cr.PC. Both the cases have been challaned and applicant is no more required for further investigation.

3. Learned defence counsel has pleaded the said arguments, opposed by learned Addl: PG Sindh. However, the above facts and circumstances show that a case of further enquiry has been made out and the rule of consistency is also applicable. Accordingly, this bail application is allowed and applicant is granted bail subject to his furnishing a solvent surety in the sum of Rs.50,000/ (Rupees fifty thousand) with P.R. bond in the like amount to be executed to the satisfaction of the trial Court.

4. Bail applications are 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

Rafiq/P.A