

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
Crl. Bail Application No.1079 of 2024
(Ameer Bux @ Faqeera v. the State)

Date	Order with signature(s) of Judge(s)
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For hearing of bail application

14.11.2024

Mr. Mohsin Ali Khan, advocate for the applicant
Mr. Muhammad Iqbal Awan, Additional Prosecutor General

Mohammad Karim Khan Agha, J:- Applicant Ameer Bux @ Faqeera was booked in FIR No.191/2024 under Section 392, 397, 34 PPC registered at PS Saeedabad Karachi. He applied for post arrest bail before the Court of Additional Sessions Judge-IV (West) Karachi which was declined vide order dated 14.05.2024. Hence the applicant has approached this Court for post-arrest bail.

2. Brief facts of the case are that the complainant on 06.04.2024 at about 03:00 p.m. along with his family was sleeping in his house, at about 0230 hours, three culprits intruded by scaling over the wall. One of them was armed with pistol and another was having dagger in his hand. They put the pistol and dagger on the necks of his son and daughter with direction to hand over whatever he has. Thereafter, culprits took out cash amount of Rs.50,000/- from Almirah as well as snatched three mobile phones on gunpoint and escaped away, hence, the aforesaid FIR was lodged against the present applicant.

3. I have heard learned counsel for the applicant. Learned Addl. Prosecutor General Sindh has opposed to grant of the instant bail. The complainant has already relied upon learned Addl. PG. I have also perused the material available on record.

4. At the very outset, the offence for which the applicant has been charged carries a sentence of less than 10 years imprisonment and the general rule is that bail should be granted in such like cases unless exceptional circumstances exist. There is no exceptional circumstance existing in this case in order to decline the bail. FIR of the incident was lodged against the unknown persons and no *hulia* of the applicant was

given in the FIR. The applicant was arrested after two days of lodging of the FIR in another case. Ten days later, the complainant identified the applicant at identification parade. No stolen items were recovered from the applicant at the time of his arrest. The applicant has already spent more than 07 months in jail. The charge has not been framed. The progress report from the learned trial Court in the case indicates that the show cause notice has already been issued to the Investigating Officer of the case due to his non-cooperation and the case has been sent to DIG South in respect of his misconduct.

5. Based on the above discussion especially with regard to the identification of the applicant, I find this case to be one of the further inquiry and hereby grant the present applicant Ameer Bux @ Faqeera post-arrest bail subject to furnishing his solvent surety in the sum of Rs.100,000/- and P.R. bond in the like amount to the satisfaction of the trial Court.

6. This order is based only on a tentative assessment of the evidence and the learned IVth Additional Sessions Judge Karachi West shall proceed and decide the case on merits expeditiously within three (03) months of the date of this order. Copy of this order shall be sent to concerned trial Court for compliance.

7. The instant criminal bail application stands disposed of in the above terms.

JUDGE