

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
Crl. Bail Application No.283 of 2024

Date	Order with signature(s) of Judge(s)
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- 1. For orders on office objection at A
- 2. For hearing of bail application

28.03.2024

M/s. Iftikhar Shah and Muhammad Naeem, advocates for the applicant

Mr. Sajjad Farooq, advocate for the complainant

Mr. Mumtaz Ali Shah, Addl. Prosecutor General

Muhammad Karim Khan Agha, J. The applicant was booked for offences under Section 397/109/34 PPC pursuant to FIR No.492/2023 registered at PS Shah Faisal Colony and his trial is proceeding before the concerned trial Court. He applied for post-arrest bail before the Additional Sessions Judge-III Karachi East which was declined vide order dated 25.01.2024, hence, the applicant has approached this Court for post-arrest bail.

2. Brief facts of this case are that the complainant was in wedding ceremony when on 23.10.2023 at about 2203 hours his employee informed him that Rs. 13,00,000/-, and one keypad mobile phone E-Tech had been robbed on force of arms. The applicant who is also an employee at the company made telephone call and informed the same to the police, hence, aforesaid FIR was lodged.

3. I have heard learned counsel for the applicant, Additional Prosecutor General and Complainant and considered the record.

4. From a bare reading of the FIR, it appears that no role in connection with the robbery has been attributed to the applicant. The main evidence which the prosecution has relied on is of his CCTV footage and fact that the recovery of some amount was made from the applicant. The other co-accused including Zafar Iqbal were identified alongwith applicant as having committed the robbery by CCTV footage and from whom recovery was also made have already been granted bail by the trial Court.

5. Based on the rule of consistency, where the same set of evidence is equally applicable to the applicant in this case as to the co-accused who have already been granted bail and which no appeal has been made, the applicant is equally entitled to be granted bail.

6. Thus, based on the rule of consistency whereby the applicant's role is similar to role of the co-accused who have already been granted bail, the applicant is also granted post-arrest bail subject to furnishing his solvent surety in sum of Rs.100,000/- and PR Bond in the like amount to the satisfaction of the learned trial Court.

7. This order is based only on a tentative assessment of the evidence and the learned trial Court shall proceed and decide the case on merits expeditiously. Copy of this order shall be sent to concerned trial Court for compliance.

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

JUDGE