

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Application No.1917 of 2024.

Date	Order with signature of Judges
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For hearing of Bail Application.

16.10.2024.

Mr. Muhammad Ibrar Arain, Advocate for the Applicant.
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General.

Mohammad Karim Khan Agha, J:- Applicant Muhammad Fareed was booked in FIR No.23/2024 under Section 395 PPC (as per FIR) 392/397/34 PPC (As per Challan) registered at PS Gulshan-e-Maymar, Karachi. He applied for post arrest bail before Court of VIIth Additional Sessions Judge (West) Karachi which was declined vide order dated 08.07.2024. Hence the applicant approached this Court for post arrest bail.

2. Brief facts of the case as per FIR are that the applicant was doing his business at Shop No.02, Plot No.A-45, Sector Z-2 Gulshan-e-Zia Karachi with his partner Roydad. On 13.01.2024 the applicant alongwith his partner Roydad were sitting in the Shop five persons came on motorcycle, two persons entered into the shop and robbed number of mobile phones by show of pistol from the complainant and his partner Roydad. Hence the aforesaid FIR was lodged.

3. I have heard learned counsel for the applicant and learned Addl. Prosecutor General Sindh.

4. The aforesaid FIR was lodged against the unknown persons on 15.01.2024. The applicant was arrested about 03 months later in another case. Surprisingly when he was arrested in another case he confessed to committing the offence in the instant FIR i.e. No.23 of 2024. No recovery was made. Complainant did not give any hulia or description of the applicant in his FIR or Section 161 Cr.P.C Statement. Notwithstanding that how was the complainant able to pick the applicant out in an Identification Parade held after

04 months after the incident took place. The correct identification of the applicant is not clear. The offences for which the applicant has been charged carry maximum 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.

5. In my view this is a case of further inquiry against the applicant. He has already spent about 6 months in jail and charge has not yet been framed.

6. Based on the above discussion applicant **Muhammad Fazreed Uddin @ Lahoti s/o Muhammad Islam** is admitted to post arrest bail subject to furnishing his solvent surety in the sum of Rs.2,00,000/- (Rupees Two Lacs) and PR Bond in the like amount to the satisfaction of the Nazir of the concerned trial Court.

7. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the trial of the applicant which shall be decided by the concerned trial Court based on the evidence placed before it.

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

JUDGE

MAK/PS