

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

**Cr. Bail Application No.394 of 2024.**

Date	Order with Signature of Judge
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For hearing of Bail Application.

**03.04.2024.**

M/s. Ali Gohar Masroof and Iqbal Hussain, advocates for the Applicants.

Mr. Mumtaz Ali Shah, Addl. Prosecutor General Sindh.

SIP Muhammad Hasssan, PS Surjani Town, Karachi.

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***Muhammad Karim Khan Agha, J.*** Applicants Wali Dad and Syed Kamran Shah are facing trial before the Additional Sessions Judge-III (West) Karachi in respect of Crime No.1004 of 2023 under sections 397/392/34 PPC registered at PS Surjani Town, Karachi. They applied for post arrest bail which was declined by the Additional Sessions Judge-III (West) Karachi vide order dated 02.12.2023. Hence they have approached this Court for post-arrest bail.

2. Brief facts of the case are that the complainant, who is journalist, along with his family and cousin traveling in a Suzuki Cultus Car on 15.10.2023 when at about 0745 hours on route Lyari Gohram Goth 03 persons on motorcycle intercepted him and robbed the complainant and his other accompanying fellows under force of arms and made their escape good. Hence the aforesaid FIR was lodged against the unknown persons.

3. I have heard the learned counsel for the parties and perused the record. It is noted that the complainant has been served but he preferred to remain absent.

4. The offences under which the applicants have been charged all carry maximum sentence of less than 10 years in jail and in such like cases the general rule is that bail should be granted unless exceptional circumstances exist which justify the refusal of bail. In this case exceptional circumstance does exist. Now a days street crimes are on the rise in the city and it is needed to be deterred. However, according to the learned Addl. P.G. another person was arrested in another FIR who disclosed the name of the present applicants in this FIR. There upon the applicants were arrested and numerous stolen items recovered from them. It is noted that the incident took place on 15.10.2023 and the

applicants were arrested on 02.11.2023 which was two weeks later and as such the possibility that the stolen items had been given to them by some other person cannot be ruled out. Furthermore the applicants had not been put in an identification parade and as such had not been positively identified as the persons who robbed the complainant. Hence, I find that is to be a case of further inquiry. It is also noted that the applicants have been in jail for last 04 months and the charge has not even been framed against them. Applicant are no longer required for further investigation.

5. Based on the above discussion, applicants **Wali Dad s/o Azeem Khan and Syed Kamran Shah son of Azeem Shah** are admitted to post arrest bail subject to furnishing their solvent surety in the sum of Rs.2,00,000/- (Rupees Two Lacs Only) **each** and P.R. bonds 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 trial Court shall proceed to decide the case on merits expeditiously. 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

MAK/PS