

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appl. No.2357 of 2023

Date	Order with signature of Judges
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For hearing of bail application.

06.02.2024.

Mr. Sajjad Ali Solangi, Advocate for Applicant.

Mr. Abrar Ali Khichi, Addl. Prosecutor General Sindh

Applicant Syed Ali Salman Shah is facing trial before the XIIIth Additional Sessions Judge (East) Karachi in respect of FIR No.326 of 2023 under Section 397/34 PPC registered at PS Shah Faisal Colony, Karachi. He applied for post arrest bail which was declined vide order dated 26.09.2023 by the Additional Sessions Judge-XIII (East) Karachi. Hence applicant has approached this Court for his post arrest bail application.

2. Brief facts of the case are that the complainant on 07.07.2023 a/w his friends Saad Ahmed were coming from Shah Faisal Colony on motorbike when at 3:00 am they were stopped by four boys riding on two motorcycles and by showing arms snatched from them mobile phones and Rs.25000/- and then fled away from the scene. Hence the instant FIR has lodged against the applicant.

3. I have heard learned counsel for the parties and perused the record.

4. It is an admitted position that offence, under which the applicant has charged, carries maximum sentence of 07 years in jail and in such like cases the general rule is that bail should be granted unless exceptional circumstance exist which justify the refusal of bail. In this case exceptional circumstances do exist as three FIRs have already been lodged against the applicant for similar type cases and as such he appears to be a habitual offender. It is also noted that such type of robberies in the City are on the rise. With regard to the merits of the case the applicant has been positively picked out in identification parade. As such there is

sufficient material on record to connect the applicant to the commission of offence hence the post arrest bail application is dismissed. Learned concerned trial Court is directed to complete the trial within four (04) months of the date of this order.

5. 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 within the given time in this order. Copy of this order shall be sent to learned trial Court for compliance.

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

JUDGE