

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.
Cr. B.A. No.S-248 of 2015.

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing.

30.09.2015.

Mr. Mumtaz Alam Laghari, Advocate for the applicant.

Mr. Shahid Ahmed Shaikh, A.P.G.

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NAZAR AKBAR, J.- After rejection of his earlier bail application vide order dated 24.01.2015 by the Court of 1st Additional Sessions Judge, Hyderabad, applicant Bilal has approached this Court seeking post-arrest bail in Crime No.08 of 2015, registered with Police Station B-Section Latifabad, under sections 353, 324 and 34 P.P.C.

2. Brief facts of the prosecution case, as stated in the FIR, are that on 14.01.2015, complainant ASI Muhammad Asif Ali of Police Station B-Section Latifabad alongwith his subordinate staff while patrolling in their area after an encounter apprehended the applicant and his two companions. From the possession of the applicant, the complainant secured one imaginative lighter pistol (Toy), however, since the applicant was apprehended alongwith other co-accused persons and unlicensed weapons were also recovered from their respective possession, therefore, the applicant was also booked in the present crime. Thereafter, the complainant lodged F.I.R. on behalf of the State.

3. Learned counsel for the applicant mainly contended that the applicant has been falsely involved in this case; that he is no more required for investigation purpose; that the pistol alleged recovered from the applicant admittedly is a toy, which makes the case of the applicant of further inquiry; According to learned counsel, alleged offence does not fall within the prohibitory clause of section 497 Cr.P.C.

4. Mr. Shahid Ahmed Shaikh, the learned A.P.G, opposed the grant of bail to the application.

5. I have heard the arguments of learned counsel for the applicant, learned A.P.G. appearing for the State and perused the record carefully. The offence mentioned in the F.I.R. is under section 353, 324 P.P.C. On the face of it the crime of causing injury is not made out since no injury has been caused to the complainant party by the accused. The offence under section 353 PPC is punishable with two years; that the alleged recovered pistol is admittedly an imaginative pistol toy, therefore, the involvement of the applicant in the present crime requires further inquiry as contemplated under section 497(2) Cr.P.C; that all the prosecution witnesses are police official, hence there is no apprehension of tampering with the evidence.

In view of above, the applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.25,000/- (Rupees twenty five thousand) and P.R. Bond in the like amount to the satisfaction of the trial Court.

Bail application stands disposed of.

JUDGE

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