

IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No.233 of 2025

Present:

Justice Zafar Ahmed Rajput
Justice Tasneem Sultana

Applicant : Muhammad Shahbaz s/o Muhammad Umar, through Mr. Arshad Hussain Bhutta, Advocate

Respondent : The State, through Mr. Abrar Ali Khichi, Additional Prosecutor General, Sindh.

Date of hearing : 04-03-2025

Date of order : 04-03-2025

ORDER

TASNEEM SULTANA, J. Through this Crl. Bail Application, applicant/accused, Muhammad Shahbaz s/o Muhammad Umar seeks post-arrest bail in FIR No.239 of 2024, registered at P.S Aziz Bhatti, Karachi under sections 397, 353, 324, 427, 114, 109/34, P.P.C., read with section 7 of the Anti-Terrorism Act, 1997.

2. Precisely the case of the prosecution is that, on 17.03.2024, at about 1805 hours, complainant GD Imran Khan of Pak-Rangers was on duty along with Naik Akber Hussain and GD Nageebullah at main Gate F.S Headquarter Rangers, Karachi, where two culprits came on a motorcycle and intercepted one Khalid Mehmood and showing weapons robbed from him Rs: 2000/-, one purse and his motorcycle. Thereafter, they seeing the Rangers officials started firing upon them. In retaliation the complainant also fired from his official SMG on the culprits but they escaped away from the spot.

3. Learned counsel for applicant has contended that the applicant is not nominated in the FIR; that section 324, P.P.C. does not attract in the

circumstances of the case, as no injury has been caused to anyone, that offences under sections 353/427, P.P.C. are bailable, while section 397, P.P.C., is not applicable on the applicant, as he was not among the unknown accused who allegedly committed the robbery; that the name of applicant has been disclosed by the co-accused in their statements before police officials during interrogation, which is not admissible in the law; that nothing has been recovered from the possession of applicant and his guilt requires further inquiry entitling him to post-arrest bail.

4. Conversely, learned Additional P.G. Sindh has vehemently opposed the instant bail application by maintaining that the prosecution has no ill-will or personal grudge against the applicant to implicate him falsely; that sections mentioned in the FIR have been applied properly.

5. We have heard the learned counsel for the parties and examined the record with their assistance.

6. The applicant was arrested on 20.03.2024 and since then he is confined in judicial custody. Police has already submitted the challan, hence, his physical custody is no more required to police for further investigation. There is no previous criminal record of the applicant.

7. As per prosecution case, main accused, namely, Faheem Ahmed and Muhammad Babar, who snatched the belonging of PW Khalid Mehmood, were arrested on 20.03.2024, and police recovered from their possession 30 bore pistols and a motorcycle bearing registration No. KPE-3961, stolen from the jurisdiction of PS Shahrah-e-Fasial. During interrogation, they disclosed that present applicant was the master mind of offence of present crime. Thus, the applicant has been implicated in this case on the basis of

disclosure made by the co-accused persons. There is no direct evidence against the applicant regarding commission of instant offence. Under Article 38 of Qanun-e-Shahadat Order, 1984, no confession made to a police officer shall be proved as against a person accused of any offence. So far, the allegation against the applicant of being the master mind of the offence of instant crime is concerned, it shall be determined after recording evidence. Hence, the guilt of the applicant requires further inquiry.

7. For the foregoing facts and reasons, the applicant is entitled for concession of bail. Accordingly, he is admitted to post-arrest bail subject to furnishing by him solvent surety in the sum of Rs. 1,00,000/- (*One Hundred Thousand Rupees Only*) and PR Bond in the like amount to the satisfaction of the Nazir of Trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the Trial Court while deciding the case of the applicant on merits. However, in case the applicant misuses the concession of bail in any manner, the Trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law.

9. These are the reasons of our short order dated 04.03.2025.

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