

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 1149 of 2026

a/w

Criminal Bail Application No. 2062 of 2026

Applicants [in Cr. B.A No.1149/2026]	:	1. Shahbaz son of Buxial 2. Pervaiz Ali son of Hussain Ali Khokhar. 3. Owais Ali Son of Hussain Ali Khokhar. Through Mr. Liaquat Ali Awan advocate
Applicant [in Cr. B.A No.2062/2026]	:	Shahnawaz Khokhar S/o. Bakhshal Through Mr. Liaquat Ali Awan advocate
Complainant [in both Cr. B.A]	:	Muhammad Wali son of Samad Through: Nemo
The State	:	Through Ms. Najma Latif Golo, Assistant Prosecution General, Sindh a/w SI-Syed Fida Hussain and I.O ASI-Attaullah Abro of PS Mauripur.
Date of hearing	:	24.09.2026.
Date of Order	:	24.09.2026.

ORDER

Jan Ali Junejo, J.- By this common order, I intend to decide the above captioned bail applications, as they arise out of same incident

2. Applicants 1) Shahbaz son of Buxial, 2) Pervaiz Ali son of Hussain Ali Khokhar and 3) Owais Ali son of Hussain Ali Khokhar [**in Cr. B.A No.1149/2026**] seeks post arrest bail in FIR No.72/2026, registered at Police Station Mauripur, Karachi for the offences punishable under Sections 395 PPC. The applicants have approached this Court being aggrieved by the order dated 30.03.2026 passed by the learned Additional Sessions Judge-II, Karachi West whereby their respective bail applications were declined.

3. Applicant Shahnawaz Khokhar son of Bakhshal [in Cr. B.A No.2062/2026], seek pre-arrest bail in FIR No.72/2026, registered at Police Station Mauripur, Karachi for the offences punishable under Sections 395 PPC, calling in question the order dated 12.06.2026 passed by the learned Additional Sessions Judge-II, Karachi West, whereby his pre-arrest bail application was dismissed. The Applicant was granted ad-interim pre-arrest bail by this Court vide Order dated: 09.07.2026

4. The prosecution case as set out in FIR No.72 of 2026 is that complainant Muhammad Wali S/o Samad, resident of Ramzan Goth, Hawksbay, Mauripur, Karachi, who is engaged in construction work, stated that on 25.02.2026, at about 0300 hours, while he and his family members were asleep, eight unknown armed persons knocked at the door of his house. Upon opening the door, the said persons, armed with pistols, forcibly entered the house, confined the complainant and his family members in a room, and conducted a search of the house. During the search, they allegedly took away cash amounting to Rs.5,80,000/-, two licensed 30-bore pistols bearing Nos. 4214 and 32021995 along with 50 rounds, and several mobile phones, including Infinix, Vivo, Redmi, Samsung and Vigotel sets, along with two other mobile phones, the particulars of which were to be provided subsequently. After collecting the aforesaid articles at about 0415 hours, the accused persons allegedly fled from the house after placing a bolt outside the door, hence this FIR.

5. Learned counsel for the applicants in Cr. Bail Application No.1149 of 2026 submits that the applicants/accused are innocent and have been falsely implicated by the police without any cogent reason, and that no incriminating article has been recovered from their possession. He further submits that the FIR was lodged with a delay of more than one day, for which no plausible or satisfactory explanation has been furnished. He contends that the FIR was initially registered against eight unknown persons; however, after arrest of the applicants, no identification parade was conducted before the learned Judicial Magistrate, thereby creating serious doubt regarding their identification and involvement in the alleged occurrence. Learned counsel further submits that the father of

applicant No.1 had previously filed Habeas Corpus Petition No.803/2026 before the learned District & Sessions Judge, Karachi West, regarding the alleged kidnapping of his son Shahnawaz by the police officials of P.S. Mochko, including ASI Javed, along with his friend Ali Dost Mastoi, pursuant to which a raid was conducted by the learned Judicial Magistrate-XIII, West Karachi, in compliance with the order of the learned Additional District & Sessions Judge-IV, West, but the alleged abductee was removed from the place immediately prior to the raid. He further submits that thereafter the alleged abductee was thrown by the police officials of P.S. Mochko and P.S. Mauripur at a late hour of the night in a graveyard situated at SPARCO Road, due to which the police became inimical towards the applicants and their family. Learned counsel further alleges that the police officials of P.S. Mochko, in collusion with the police of P.S. Mauripur, forcibly entered the houses of the applicants and took away Muhammad Ali S/o Arbab Ali, Buxial S/o Arbab Ali and Shahbaz S/o Buxial, besides allegedly taking away Rs.3,20,000/- from the house of applicant No.1/Shahbaz, one licensed pistol in the name of Shahnawaz, a motorcycle Model 2024, a rickshaw and mobile phones, regarding which a written complaint was submitted on 10.03.2026 at 1335 hours through courier to the concerned authorities, hence, the applicants are entitled to the extraordinary concession of pre-arrest bail..

6. Learned counsel for the applicant in Cr. Bail Application No.2062 of 2026 submits that the applicant is innocent and has been falsely implicated with malafide intention, as the FIR was initially lodged against unknown persons and neither the complainant nor any prosecution witness named or suspected the applicant. He submits that the applicant's name was subsequently introduced in the challan on the basis of the alleged statement/admission of a co-accused, whereas such statement made before the police is inadmissible against a co-accused and cannot, without independent corroboration, furnish a basis for his implication. According to learned counsel, there is no direct or other independent incriminating evidence connecting the applicant with the alleged offence, while the investigation suffers from material contradictions and defects. He therefore contends that the prosecution case against the applicant is based on hearsay, mistaken identity and an uncorroborated statement of a co-

accused, rendering his involvement doubtful and bringing his case within the ambit of further inquiry under Section 497(2), Cr.P.C, hence, the applicant is entitled to the extraordinary concession of pre-arrest bail.

7. Conversely, learned APG Sindh opposes the grant of bail and contends that the Applicants are involved in a heinous offence of dacoity committed within the house of the complainant; she further contends that the offence is serious in nature, carries severe punishment, and the release of the Applicants on bail may result in their absconding or tampering with prosecution evidence; and she prays that the bail application be dismissed.

8. I have heard the learned counsel for the applicants, learned counsel for the complainant and learned A. P. G. Sindh, and have gone through the available record with their assistance.

9. The FIR was admittedly registered against eight unknown persons, and the applicants were not nominated therein by the complainant. The prosecution has not placed on record any material showing that the applicants were identified by the complainant or any other eye-witness through a legally conducted identification parade. This aspect assumes significance, particularly when the alleged occurrence took place during the night and the accused persons were initially described as unknown. Moreover, no incriminating article allegedly taken away during the occurrence has been recovered from the possession of the applicants. The prosecution case against the applicants, therefore, requires further scrutiny at trial.

10. As regards applicant Shahnawaz Khokhar, his implication appears to have surfaced subsequently during investigation and, as contended by learned counsel, is attributed to the statement of a co-accused. At the bail stage, a statement made by a co-accused before the police, by itself, cannot be treated as substantive evidence against another accused in the absence of independent corroborative material connecting such accused with the alleged offence. The record, as presently available, does not disclose any independent incriminating material of such nature against the applicant.

His specific role in the alleged occurrence also does not appear from the contents of the FIR.

11. The circumstances pointed out by learned counsel regarding the previous Habeas Corpus Petition, the alleged conduct of the police officials towards the applicants' family, and the complaint stated to have been submitted to the concerned authorities prior to the applicants' implication, though matters ultimately to be determined on the basis of evidence, cannot be altogether ignored at this tentative stage. These circumstances, when considered along with the applicants' non-nomination in the FIR, absence of identification through a test identification parade and non-recovery of the alleged stolen property from their possession, make the question of their involvement one requiring further inquiry.

12. So far as applicants Shahbaz, Pervaiz Ali and Owais Ali are concerned, the prosecution has likewise failed, at this stage, to point out any specific overt role attributed to each of them in the FIR or to produce any independent material connecting them with the alleged occurrence. The mere seriousness of the allegation or the fact that the offence carries a substantial punishment, by itself, is not sufficient to deny the concession of bail where the available material gives rise to reasonable doubt regarding the applicants' involvement. The alleged occurrence is admittedly against unknown persons, and the absence of identification and recovery are material circumstances requiring consideration.

13. It is settled that at the stage of bail, the Court is not required to conduct a deeper appreciation of evidence or undertake a detailed examination of the merits of the prosecution case. The Court has only to make a tentative assessment of the available material. In the present case, the cumulative effect of the circumstances discussed above, particularly the applicants' non-nomination in the FIR, absence of a legally conducted identification parade, lack of recovery of the alleged stolen property from them, absence of any specific role and, in the case of applicant Shahnawaz Khokhar, the apparent reliance upon the statement of a co-accused, brings

the case within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C.

14. Insofar as the pre-arrest bail of applicant Shahnawaz Khokhar is concerned, the material available on record also calls for consideration of the plea that his subsequent implication may have arisen out of circumstances requiring further inquiry. The extraordinary relief of pre-arrest bail is intended to protect an accused against arrest where the record indicates that the arrest may not be justified on the available material. In the present case, the circumstances discussed hereinabove provide sufficient tentative grounds for extending such protection to the applicant.

15. Consequently, the applicants have made out a case warranting interference with the respective impugned orders. Accordingly, **Cr. Bail Application No.1149 of 2026** is allowed and the applicants 1) Shahbaz son of Buxial, 2) Pervaiz Ali son of Hussain Ali Khokhar and 3) Owais Ali son of Hussain Ali Khokhar are admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- [Rupees Fifty Thousand only] *each* with P.R. bond in the like amount to the satisfaction of the learned trial Court. **Cr. Bail Application No.2062 of 2026** is also allowed and the ad-interim pre-arrest bail already granted to applicant Shahnawaz Khokhar vide order dated 09.07.2026 is hereby confirmed on the same terms and conditions. The observations made herein are tentative in nature and shall not prejudice the case of either party at the trial.

JUDGE