

IN THE HIGH COURT OF SINDH AT KARACHI

PRESENT:

Mr. Justice Zafar Ahmed Rajput, CJ

Mr. Justice Dr.Syed Fiaz Ul Hassan Shah

Crl. Bail Application Nos.2126, 2127 & 2128 of 2025

Adnan Ali S/o Akhtar Ali

Vs.

The STATE

Crl. Bail Application Nos.2492, 2494, 2495 & 2496 of 2025

Wahidullah and Inayat-ur-Rehman

Vs.

The STATE

APPLICANT : Through Mr. Riaz Ahmed Phulpoto,
in BA Nos.2126 to Advocate.
2128/2025

APPLICANTS : Through Mr. Altaf Hussain, Advocate
in BA Nos.2492 &
2494 to 2496/2025

The STATE : Through Mr. Abrar Ali Khichi,
Additional Prosecutor General, Sindh.

Date of Hearings : 05.11.2025 and 10.11.2025

Date of Decision : 06.01.2026

ORDER

Dr. Syed Fiaz Ul Hassan Shah, J :-- Through this order, we proceed to adjudicate upon the seven (07) Criminal Bail Applications filed by the above-named Applicants, wherein they assail the Order dated 12.08.2025 (the 'Impugned Order') passed by the learned Judge of Anti-Terrorism Court No. IV, Karachi Division, Karachi (the 'Trial

Court'). By way of the said common order, the Trial Court dismissed the bail applications of all the Applicants.

2. The facts of the case are that on 03.04.2024, Mian Shafiq Rehman Shahid (elder brother of the complainant) and Muhammad Abdullah (his nephew) established online contact with an individual named Sohail, who offered to facilitate Abdullah's travel to Italy in exchange for Rs.3,500,000/-. Sohail instructed them to visit Lal Qila, Bahadurabad, Karachi for fingerprint scanning. On 08.04.2024 at approximately 1700 hours, the complainant, along with his elder brother, nephew, and relative Jamal Tariq, arrived at the designated location. While the complainant and Jamal Tariq remained in their vehicle, Mian Shahid and Abdullah engaged in conversation with Sohail and subsequently entered into his car. As Sohail's vehicle began to move, the complainant attempted to follow but was hindered by traffic congestion. The complainant immediately contacted Abdullah via mobile (0308-8700019), who responded briefly and promised to share his location. Shortly thereafter, the mobile phones of both Mian Shahid and Abdullah were found switched off. Due to loss of contact, the complainant then approached the concerned police station and lodged the FIR.

3. While investigating Crime No. 102/2024, Inspector Abid Hussain received intelligence information from a source indicating that eight individuals involved in the abduction of two persons were holding them at a plot in Baldia Town. Upon reaching the location, the police party was fired upon by the accused. The police retaliated,

resulting in injuries to four suspects who were apprehended and identified as Inayat-ur-Rehman, Wahid Ullah, Hazrat Ali, and Sabir. Four others—Adnan, Shabirullah, Ahmed Ali, and Ali—managed to escape. The injured suspects were transported to the hospital, and a separate FIR No.48 of 2024 was registered at PS: AVCC, CIA, Karachi for police encounter and FIR No.49 of 2024 was registered against Accused Inayat-ur-Rehman and FIR No.51 of 2024 was registered against Accused Wahid Ullah under Sindh Arms Act, 2013 at PS: AVCC, CIA, Karachi accordingly.

4. During the ongoing investigation of Crime No. 102/2024, a source informed Inspector Abid Hussain that one of the nominated accused, Adnan Ali s/o Akhtar Ali, was present near the Rub River road adjacent to Khursheedpura graveyard. The police reached the location and apprehended the suspect. Upon personal search, the following items were recovered:

- One unnumbered 30 bore pistol with a loaded magazine containing four live rounds
- One National Identity Card
- One Pakistani passport in the name of Adnan Ali
- One Dubai identity card
- Rs. 700/- in cash
- One OPPO touchscreen mobile phone
- One Realme touchscreen mobile phone

5. As the accused failed to produce a valid arms license, he was arrested under Section 23(I)A of the Sindh Arms Act, 2013. FIR No. 53/2024 was subsequently registered at the police station.

6. Learned counsel appearing on behalf of the Applicant/accused Adnan Ali in Criminal Bail Applications No. 2126 of 2025 (FIR No.102/2024 under section 365-A/324/34 PPC), Criminal Bail Application No.2127 of 2025 (FIR No.48 of 2024 under Section 353/324/34 PPC) and Criminal Bail Application No.2128 of 2025 (FIR No.53 of 2024 under section 23(i) (a) SAA, 2013) while reiterating the aforesaid facts has vehemently argued that the applicant/accused is innocent and has been falsely implicated in the instant crimes by the police on the basis of statement of co-accused; that the applicant/accused Adnan Ali is a hotel manager and was arrested from the hotel as disclosed by the manager to the Investigating Officer of the case, despite the fact that I.O. has illegally arrested the applicant/accused Adnan Ali and also took away DDR installed in the said hotel and the applicant/accused was stayed. He has further contended that Investigating Officer has been arrested the applicant/accused Adnan Ali red handed by the Anti-Corruption Establishment and separate FIR was registered and his case is pending before the Provincial Anti-Corruption Court at Karachi. He lastly contended that even identification parade conducted by the Judicial Magistrate is defective and can be ignored while deciding present bail applications and that the applicant/accused has no previous criminal record, except present three cases.

7. Learned counsel appearing on behalf of the applicants/accused Wahidullah in Criminal Bail Application No.2496 of 2025 (FIR No.102/2024 under section 365-A/324/34 PPC), Criminal Bail

Application No.2492 of 2025 of 2024 (FIR No.48/2024 under section 353/324/34 PPC) and Criminal Bail Application No.2495 of 2025 (FIR No.51/2024 under section 23(i)(a) SAA, 2013) as well as learned Counsel for Applicant Inayat-ur-Rehman in Criminal Bail Application No.2494 of 2025 (FIR No.49/2024 under section 23(i)(a) SAA, 2013) has contended that the applicants/accused are innocent and both have falsely been implicated in the cases by the police; that there is no credible evidence against the applicants/accused which connect them with the alleged kidnapping or encounter with police and recovery of unlicensed weapon; that the case against the applicants/accused is mainly based on alleged disclosure or statement of co-accused, which has no evidentiary value unless corroborated with independent material as per the law laid down by the superior courts; that no role has been attributed to the present applicants/accused with the commission of crime; that no recovery of ransom money has been affected from the applicants/accused, nor the car in which the alleged incident of kidnapping took place has been recovered, hence the applicants/accused may be enlarged on bail.

8. Mr.Abrar Ali Khichi, Additional Prosecutor General, Sindh appearing on behalf of the State has fully supported the impugned order and has submitted that complainant Mati-ur-Rehman, abductees and victim namely Muhammad Abdullah and Shafiq-ur-Rehman Shahid in their identification parade held by the judicial Magistrate of concerned has duly identified the said applicants and the said independent witnesses during their evidence, which has been recorded

before the trial Court, have fully implicated the present applicants/accused for the commission of alleged offence; whereas rest two eye-witnesses, who had last seen the applicant/accused Adnan at Lal Qila restaurant with the abductees. He further contends that the Applicant Adnan is the man who impersonated his name as Sohail when he met with the victim/prosecution witnesses and in fact the name narrated in FIR as Sohail while his real name has revealed after his arrest and interrogation as Adnan Ali, he is the actual man who had called Abdullah at Lal Qila, on the pretext of obtaining his fingerprints scanning and later abducted victim Abdullah and his father, who had come from Sargodha for in order to manage Visa and settling down his son Abdullah to Italy. He, therefore, prays for dismissal of their bail applications.

9. We have considered the arguments advanced by the learned counsel for the applicants/accused as well as learned Additional Prosecutor General, Sindh and minutely perused the record of the case with their assistance.

10. We have noted that on 07.04.2024 the police officials under Entry No.40 with Technical equipment "Locator" has raided at Plot No.F-247, Gali No.2, Baldia Town, Karachi and arrested eight (8) accused persons and also recovered two abductees/victims after a police encounter and prepared "Naqsa Naziri" of the captive place where two prosecution witnesses / victim were confined after kidnapping. Both the applicants/accused Inayatullah Rehman and Wahidullah were arrested from the spot and police official have

recovered the abductees incarcerated at the crime scene (captive place). Simultaneously, Police official have also recovered weapons i.e. SMG from the wrongful possession of applicant/accused Inayat ur Rehman while 30 bore pistol was recovered from the wrongful possession of applicant/accused Wahidullah.

11. On the other hand, arrested applicants, during the course of interrogation have disclosed the names of co-accused Adnan Ali and Shabbirullah who have managed to escape from the crime scene during police encounter. Subsequently, both co-accused Adnan and Shabbirullah names have been included in the investigation. Initially, the role of arrested accused Shabbirullah and Adnan Ali were common to the extent of disclosure of names of these two accused who have run away during police encounter. However, co-accused Shabbirullah has granted post-arrest bail in second round by this Court vide order dated 23.06.2025 passed in CrI. Bail Applications No.1283 and 1284 of 2025 on the ground that his name was not mentioned in the FIR and no identification parade has been conducted to involve him with the commission of the alleged offence on the basis of principles laid down by Hon'ble Supreme Court of Pakistan in case *Qamar alias Mitho v. the State* (PLD 2012 SC 222). Additionally, name of Shabbirullah was disclosed by the arrested accused, however, no incremental article was recovered from his possession and no role was given to him. While the case of applicant/accused Adnan Ali is distinguishable from the case of Shabbirullah coupled with the facts of corroborative materials. The

Applicant Adnan Ali was arrested on 19.04.2025 and the police has recovered a mobile phone containing objectionable and indecent videos of the victims recorded during their captivity. These videos have been downloaded by the Investigating Officer in separate USB and has been sent to the Punjab Forensic Laboratory at Lahore and now the same would have to be presented before the trial Court by the said IO. Second distinguishing factor is the holding of identification parade and successfully identified by the victims who are independent/private witnesses of the prosecution. Third factor is the corroborative recovery of weapon from the wrongful possession of the Applicant Adnan Ali which according to the prosecution were used in police encounter when the police official raided the captive place for recovery of abductees.

12. It is a well-established principle of criminal jurisprudence that an accused person is presumed innocent until proven guilty, and the burden squarely rests upon the prosecution to establish the charge beyond reasonable doubt. However, in bail proceedings, the court is required to undertake a tentative assessment of the available material, guided by the same operative legal standards applicable to the appreciation of evidence at trial. Where the prosecution presents incremental or corroborative material in support of its allegations—such as recovery, identification, or forensic linkage—the evidentiary burden shifts to the accused to offer a reasonable rebuttal. This may be achieved by highlighting legal infirmities, factual discrepancies, or other material lacunae that cast doubt on the prosecution's version,

which may judiciously culminate in the formation of “reasonable grounds” for the grant of bail. In other words, the doctrine of sufficient evidence to connect the accused with the commission of the offence may, upon closer scrutiny, transform into an antinomy—an internally conflicting or paradoxical condition—of evidentiary insufficiency or any iota of doubt thereby weakening the prosecution’s case and justifying the concession of bail. The accused retains full opportunity to demonstrate, through cogent reasoning and plausible explanation that the material relied upon lacks credibility or sufficiency in the eyes of a prudent and impartial mind. No cogent rebuttable explanation or plausible justification has been offered by the learned counsel for the Applicants to discredit the identification made by the two private and independent witnesses, nor to rebut or contravene the recovery of objectionable video recordings of the said prosecution witnesses—recorded during their unlawful and forcible confinement. Admittedly, these prosecution witnesses, hailing from District Sargodha, Punjab, were complete strangers to the city of Karachi and had no prior acquaintance or interaction with the Applicants except an online (internet) conversation.

13. There is nothing on record, nor any argument has been advanced, to suggest the existence of prior enmity, ill-will, or ulterior motive on the part of these independent prosecution witnesses that could cast doubt on the veracity of their statements or suggest false implication of the Applicants. In the absence of any such motive, their testimony carries the presumption of truth that the existence of facts

likely to have occurred in the ordinary course of human conduct. Another reason for supplication is that it defies logic and common sense to suggest that these witnesses would fabricate indecent videos of themselves merely to falsely implicate the Applicants, particularly in the absence of any rebuttal or contrary evidence. The recovery of the victims following a police encounter, coupled with the seizure of illegal arms and the indecent video recordings, constitutes sufficient corroborative material connecting the Applicants—namely Adnan Ali, Inayat-ur-Rehman, and Wahidullah—to the commission of the alleged offence.

14. Furthermore, the applicants have filed true copies of deposition of these private witnesses which has been recorded by the learned trial Court and these private witnesses have not only confirmed the prosecution story but have also assigned specific role to each Applicant before the trial Court and as per learned Prosecutor almost important witnesses have been examined by the trial Court and now only formal prosecution witnesses and IO has yet to be examined by the trial Court.

15. It is settled principle of bail laws that in prohibitory clause cases under Section 497(1) Cr P.C., bail is not automatically refused but requires a higher threshold to be met. The principle is that bail is a rule and refusal is an exception, even in serious cases, and courts will grant it if the prosecution does not establish a *prima facie* case against the accused. However, bail can be refused if there is sufficient evidence to believe the accused is guilty of an offense

punishable with death, life imprisonment, or imprisonment for ten years, or if there is a risk of absconding, tampering with evidence, or committing further offenses. In the instant case the case falls within the prohibitory clause and punishment under Section 365-A PPC or Section 6 (e) of the Anti-Terrorism Act, 1997 is death sentence or life imprisonment.

16. In our tentative view, reasonable grounds exist to connect the Applicants with the commission of alleged offence in the light of incremental material which have brought by the prosecution. Therefore, we are not inclined to grant the concession of bail to the applicants/accused above-named. All bail applications stand dismissed.

17. Needless to mention here that the observations made hereinabove are tentative in nature only for the purpose of deciding bail applications, which shall not affect the merits of the case and the trial court shall not be influenced with it and shall decide the case before it on merits after concluding of evidence and in accordance with law.

J U D G E

CHIEF JUSTICE