

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2625 of 2026

a/w

Criminal Bail Application No. 2446 of 2026

Applicant : Imran Qureshi
[in Cr. B.A No.2625/2026] son of Yaqoob Qureshi
Through Mr. Arshad Khan advocate

Applicant : Muhammad Mubarak
[in Cr. B.A No.2446/2026] son of Muhammad Tufail
Through Mr. Shahzad Ishaque
advocate

Complainant : Muhammad Farooq
son of Ghulam Rabbani
Through: Nemo

The State : The State:
Through Ms. Tahira Depar,
A. P. G. Sindh

Date of hearing : 30.09.2026.

Date of Order : 30.09.2026.

ORDER

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

2. Through these Criminal Bail Applications, the Applicant Imran Qureshi son of Yaqoob Qureshi [in Cr. B.A No.2625/2026] and applicant Muhammad Mubarak son of Muhammad Tufail [in Cr. B.A No. 2446/2026] seek post-arrest bail in FIR No. 822/2025 registered at Police Station Taimooria, Karachi for offences under Sections 392/393/394/397/34. The Applicants' earlier post-arrest bail applications No. 2900/2025 [Re. Imran Qureshi Vs. The State] & 837/2026 [Re. Muhammad Mubarak Vs. The State] were dismissed by the learned Additional Sessions Judge-III, Karachi Central vide separate order dated 23.12.2025 & 13.04.2026, respectively. Being aggrieved, the Applicants have approached this Court

3. Briefly stated, the prosecution case as reflected in the FIR is that the complainant Muhammad Farooq son of Ghulam Rabbani resident of

Sector 15-A/2, Buffer Zone, Karachi stated that on 24.10.2025 at about 07:20 hours while he was present at his house, he heard the sound of firing and upon coming outside found his younger brother Muhammad Talha aged about 28/29 years lying injured on the ground with a firearm injury, whereafter he was shifted to hospital with the assistance of local residents. The complainant further stated that according to their neighbor Saad Ali son of Mozam Ali at the relevant time Sufiyan and Arif, brother of the complainant had returned when two unidentified persons riding a motorcycle armed with weapons allegedly intercepted them and snatched a mobile phone (Tecno Camon 40, SIM No. 0318-2552457) and a purse containing important documents, ATM cards and cash of Rs.2,500/- from Sufiyan and during an attempt to snatch the mobile phone and purse of Muhammad Talha upon resistance, the accused persons opened fire, causing a firearm injury to Muhammad Talha on his chest, whereafter both accused persons fled from the spot. The injured Muhammad Talha, who was working as a pizza delivery boy, was initially shifted to Abbasi Shaheed Hospital and thereafter admitted at Jinnah Hospital for treatment, and the complainant approached the police for taking legal action against the unknown accused persons, hence this FIR.

4. Learned counsel for the applicant in Cr. Bail Application No. 2625/2026 contended that the applicant is innocent and has no concern with the alleged offence, having been falsely implicated by the police in connivance with the complainant due to malafide intention and ulterior motives. He argued that no specific role has been attributed to the applicant in the FIR and that no incriminating article was recovered from his possession, the alleged recovery having been falsely foisted upon him, which circumstances render the case one of further inquiry. Learned counsel further submitted that the alleged offence does not fall within the prohibitory clause of Section 497 Cr.P.C. and, therefore, grant of bail is the rule and refusal an exception, particularly when the Applicant is presumed innocent until proven guilty and his continued incarceration would amount to pre-trial punishment. He assailed the impugned bail order on the ground that the learned trial Court did not properly appreciate the merits of the case and, instead, referred to a newspaper analysis concerning the rising incidence of robberies in Karachi without

examining the material facts and evidence relating to the Applicant. He further contended that the identification parade was conducted after an unexplained and considerable delay from the date of arrest and, therefore, its evidentiary value is seriously questionable; moreover, the Applicant was allegedly arrested in another case and subsequently implicated in the present case as well as other cases during police custody merely to show efficiency and disposal of cases, and any alleged confession or admission made while in police custody carries no legal value in view of Articles 38 and 39 of the Qanun-e-Shahadat Order, 1984. Learned counsel maintained that despite the Applicant having remained in custody since 02.11.2025, no prosecution witness had been examined for a considerable period, and keeping him incarcerated indefinitely would serve no useful purpose and amount to abuse of the process of law. He further argued that the prosecution version itself does not establish that the Applicant fired at or caused injury to the victim, and that his identification was allegedly made at the instance of the police, thereby creating serious doubt regarding his involvement. It was lastly submitted that the Applicant has no previous criminal involvement, there is no solid or substantial evidence connecting him with the alleged occurrence, and the available circumstances, taken cumulatively, bring the case within the ambit of further inquiry under Section 497(2) Cr.P.C.; hence, he is entitled to the concession of bail.

5. Learned counsel for the applicant in Cr. Bail Application No. 2446/2026 contended that the applicant is innocent and has been falsely implicated by the police merely to demonstrate extraordinary efficiency, whereas his name, description or any specific role is not mentioned in the FIR, which was initially registered against unknown accused persons. He further argued that the prosecution subsequently introduced Muhammad Shoaib son of Aleem Uddin as an alleged eye-witness in the challan, although neither the FIR nor the complainant had named him as an eye-witness, nor has it been clarified as to where, when or before whom he allegedly identified the applicant, thereby seriously undermining the credibility of the prosecution version. Learned counsel submitted that, according to the challan, the Investigating Officer proceeded to Police Station Taimooria upon receiving information regarding the arrest of two persons, namely Muhammad Mubarak and Imran Qureshi, who allegedly

confessed during police custody to having committed the present offence, and thereafter claimed that the said Muhammad Shoaib identified the applicant; however, no statement of the alleged eye-witness under Section 161 Cr.P.C. or other reliable material establishing his presence at the place of occurrence has been brought on record. He further contended that the identification proceedings were conducted after the Applicant had already been exposed to the police and that the alleged video of the Applicant was prepared and shown to the complainant and injured before the identification parade, thereby materially affecting the value of the subsequent identification. It was also argued that no statement of the Applicant under Section 164 Cr.P.C. was ever recorded and, therefore, any alleged confession made while in police custody cannot legally be relied upon against him. Learned counsel maintained that the prosecution case suffers from material contradictions and infirmities, particularly regarding the introduction and credibility of the alleged eye-witness, the manner and timing of identification and the absence of any specific role attributed to the Applicant. Relying upon the principles enunciated by the Hon'ble Supreme Court in cases including 2022 SCMR 1567, PLD 2002 SC 1048, 2018 SCMR 772 and other cited authorities, learned counsel submitted that even a single circumstance creating reasonable doubt in the mind of a prudent person is sufficient to entitle an accused to its benefit as a matter of right and that the prosecution must establish guilt through reliable and legally admissible evidence. He lastly submitted that, in the absence of credible ocular or other corroborative evidence connecting the Applicant with the alleged occurrence, the case squarely calls for further inquiry within the meaning of Section 497(2), Cr.P.C.; hence, the Applicant, being a permanent resident of Karachi and ready to furnish solvent surety to the satisfaction of the Court, is entitled to the concession of bail.

6. Conversely, the learned APG opposes the bail application. She submits that the applicant is involved in a heinous offence; that sufficient evidence is available with the prosecution to connect the applicant with the commission of alleged offence; hence, they are not entitled to the concession of bail.

7. I have heard the learned counsel for the Applicants, learned APG and have carefully examined the available record, including the FIR, challan and the impugned orders passed by the learned trial Court.

8. The allegations against both Applicants arise from the same occurrence and, at this stage, the material collected by the prosecution requires consideration as a whole rather than in isolation. Although the Applicants were not named in the FIR, the occurrence was initially reported against unknown persons and their subsequent identification during investigation cannot, merely on account of their names being absent from the FIR, be discarded at the bail stage. The question whether the Applicants were actually involved in the occurrence, and whether the identification attributed to the prosecution witnesses is reliable, are matters requiring appreciation of evidence at trial.

9. The contention that no specific role was assigned to the Applicants in the FIR is also not sufficient, in the circumstances of the present case, to warrant the concession of bail. The FIR was lodged immediately after the occurrence against unknown assailants, and the complainant himself was not claiming to have witnessed the entire occurrence. According to the prosecution material, the identity of the assailants was subsequently established during investigation. Thus, absence of the Applicants' names or individual roles in the initial FIR is understandable in the circumstances and does not, by itself, create such a doubt as would bring the case within the ambit of further inquiry.

10. So far as the contention regarding the alleged eye-witness Muhammad Shoaib son of Aleem Uddin is concerned, the evidentiary worth of his statement, his presence at the place of occurrence and the manner in which he allegedly identified the Applicants are matters to be tested through evidence. At the bail stage, this Court is not required to conduct a detailed or microscopic examination of the entire prosecution evidence. The defence objection that his name was not mentioned in the FIR may be considered by the learned trial Court after the parties have led their evidence. The mere fact that his name does not appear in the FIR, particularly when the case was registered against unknown persons, does not by itself render the subsequent investigation legally inconsequential.

11. Likewise, the objection regarding the alleged police custody confession of the Applicants does not, at this stage, require determination of their guilt or innocence. It is correct that a confession made to a police officer or while in police custody is subject to the restrictions contained in the Qanun-e-Shahadat Order, 1984; however, the prosecution case is not required to be assessed solely on the basis of such alleged confession. The Court is to examine the entire incriminating material collected during investigation, including the circumstances leading to the apprehension of the Applicants and their subsequent identification. The admissibility and evidentiary value of each piece of evidence shall ultimately be determined by the learned trial Court in accordance with law.

12. The argument regarding the identification parade and the alleged prior exposure of the Applicants also calls for examination of factual circumstances which cannot conclusively be determined merely from the assertions of the defence. Whether the Applicants were shown to the complainant or injured before the identification proceedings, whether any video was prepared and shown to them, and whether such circumstances materially affected the identification are questions which can properly be tested during trial through the relevant witnesses and record. At this stage, the alleged infirmities in the identification proceedings, without more, are not sufficient to completely discard the prosecution case.

13. It is also pertinent that the occurrence involves allegations of an armed robbery followed by firing upon resistance, resulting in a firearm injury to Muhammad Talha. The prosecution case, therefore, is not confined merely to an allegation of an attempted or completed robbery but also involves the allegation of causing firearm injury during the occurrence. The seriousness of the allegations, though not by itself determinative of bail, is a relevant circumstance when considered together with the material collected by the investigating agency.

14. Upon an overall tentative assessment of the material available on record, I am not persuaded that the prosecution case is so inherently doubtful, absurd or devoid of incriminating material as to warrant the application of Section 497(2), Cr.P.C. in favour of either Applicant. The questions raised by learned counsel for the Applicants regarding their

identification, the presence and credibility of the alleged eye-witness, the circumstances of their arrest and the alleged prior exposure before identification are matters which require proper appreciation of evidence and are appropriately to be determined by the learned trial Court after recording the evidence of the parties. At this stage, such questions cannot be treated as sufficient grounds for extending the concession of post-arrest bail.

15. Consequently, both Applicants have failed to make out a case of further inquiry within the meaning of Section 497(2), Cr.P.C. The prosecution has placed sufficient material on record, which, if ultimately proved in accordance with law, may connect the Applicants with the alleged occurrence. Accordingly, both the bail applications, i.e. Cr. Bail Application No.2625/2026 filed by Imran Qureshi and Cr. Bail Application No.2446/2026 filed by Muhammad Mubarak, are dismissed. The observations made herein are tentative in nature and shall not prejudice the learned trial Court in deciding the case strictly on the basis of evidence brought before it.

JUDGE