

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2729 of 2026

Applicant : Arfan Saeed son of Saeed Ahmed
through Ms. Shaheen Ashraf,
Advocate

Complainant : Munawar son of Ghulam Qadir
'NEMO'

The State : Through Ms. Tahira Depar,
Assistant Prosecutor General, Sindh

Date of hearing : 29.09.2026

Date of decision : 29.09.2026

ORDER

Jan Ali Junejo, J.- Through this Criminal Bail Application, Applicant-Arfan Saeed son of Saeed Ahmed, seeks post-arrest bail in Crime No.965 of 2024, registered at Police Station Shah Latif Town, Karachi, under Sections 392, 397 and 34 PPC. The Applicant's earlier bail application was dismissed by the learned District and Sessions Judge, Malir at Karachi, *vide* Order dated 10.08.2026.

2. Briefly, the facts of the prosecution case, as reflected in the FIR, are that the Complainant, who is engaged in the livestock trade, stated that on 30.08.2024, he, along with his friend Muhammad Khan, was travelling on a Honda-70 motorcycle from Shoro Goth towards Razaqabad. At about 1900 hours, when they reached near Al-Hanif Hotel on the main National Highway, three unknown persons riding on a motorcycle intercepted them. The culprits allegedly pointed a pistol at the complainant and his companion and demanded that they hand over their motorcycle, threatening them with death. Out of fear, they stepped aside, whereupon the culprits allegedly snatched the motorcycle, along with the complainant's wallet containing Rs.5,000/- in cash and a colour copy of his CNIC, and thereafter fled from the spot.

3. Learned Counsel for the Applicant contends that the Applicant is innocent and has been falsely implicated in the present case. She submits that the Complainant had nominated three unknown persons in the FIR and did not provide any specific identifying particulars, such as their names, facial features, height or other distinguishing characteristics. It is argued that although the FIR was registered in the year 2024, the Applicant was arrested only on 22.07.2026, after an unexplained lapse of

about two years. Learned Counsel further submits that no identification parade was conducted by the prosecution and that any alleged identification of the applicant at the police station would carry no evidentiary value in law. She further contends that no recovery has been effected from the Applicant and there is no direct or circumstantial material, including CDR, CCTV footage or any other independent evidence, connecting him with the commission of the alleged offence. On these grounds, learned counsel seeks the grant of bail.

4. Conversely, learned Assistant Prosecutor General, Sindh has opposed the application. She submits that the Applicant is directly involved in an offence of armed robbery committed on a public highway. She further contends that the Applicant made a confession before the police, which allegedly led to the discovery of link evidence, and that his criminal record reflects his involvement in similar offences registered at different police stations. She, therefore, prays for dismissal of the bail application.

5. I have heard learned Counsel for the Applicant as well as learned Assistant Prosecutor General, Sindh and have perused the available record with their assistance. At the bail stage, the Court is required to make only a tentative assessment of the material available on record and is not expected to conduct a deeper appreciation of evidence, which is the domain of the trial Court.

6. Prima facie, the Applicant was not nominated in the FIR. The Complainant had described the assailants as three unknown persons and no specific identifying features of the culprits appear to have been furnished in the FIR. The occurrence allegedly took place on 03.08.2024, whereas the Applicant was arrested on 22.07.2026, after a considerable lapse of time. Significantly, no identification parade of the Applicant appears to have been conducted by the prosecution. Thus, at this tentative stage, the question of the Applicant's identification and his nexus with the alleged occurrence requires further examination.

7. It is also noteworthy that no recovery of the allegedly snatched motorcycle, weapon, cash or any other incriminating article has been effected from the applicant. Likewise, no independent material, such as CCTV footage, CDR or other corroborative evidence, has been pointed out which, at this stage, directly connects the Applicant with the commission of the alleged offence. As regards the alleged confession before the police, any confessional statement made to a police officer is

subject to the limitations imposed by law and, by itself, cannot be treated as sufficient incriminating material for purposes of denying bail.

8. The contention regarding the Applicant's alleged involvement in other criminal cases has also been considered. Mere registration of other criminal cases, without examining the nature, status and evidentiary value thereof, cannot by itself furnish sufficient ground to deny the statutory concession of bail in the present case, particularly where the Applicant's connection with the instant occurrence requires further inquiry.

9. In the circumstances discussed above, without expressing any opinion on the merits of the case, I am of the tentative view that the case of the Applicant falls within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C. The material presently available on record does not justify a deeper appreciation of evidence at this stage, and the applicant has succeeded in making out a case for the grant of bail.

10. Consequently, this Criminal Bail Application is allowed. Applicant-Arfan Saeed son of Saeed Ahmed shall be released on post-arrest bail subject to his furnishing a solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand Only) with P.R. bond in the like amount to the satisfaction of the learned trial Court.

11. It is clarified that the observations made herein are purely tentative and confined to the disposal of the present bail application. They shall not prejudice or influence the learned trial Court in deciding the case on its merits after recording and appreciating the evidence in accordance with law.

JUDGE

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