

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2726 of 2026

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

Complainant : Abdul Majeed son of Allah Dino
Khaskheli '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 FIR No.411 of 2026, registered at Police Station Shah Latif Town, Karachi, for offences punishable under Sections 392, 397 and 34, P.P.C. The Applicant's earlier bail application was dismissed by learned District and Session Judge Malir, Karachi *vide* Order dated 10.08.2026.

2. Briefly, the prosecution case, as set out in the FIR, is that on 27.02.2026, after making purchases from the market, the Complainant was returning on foot along with his friend, Muhammad Umar Bhutto. At about 21:30 hours, when they reached Soorti Road near Mateen Complex, Shah Latif Town, Malir, Karachi, four unknown persons riding on two motorcycles intercepted them. The assailants, allegedly armed with weapons, robbed the Complainant of cash amounting to Rs.12,000/-, one Bank Al-Habib ATM card, his original CNIC and an iPhone 16 Pro Max (non-PTA). They also allegedly deprived his companion, Muhammad Umar Bhutto, of a wallet containing Rs.4,000/- in cash, a copy of his CNIC, an MCB ATM card and a gold pendant and chain, and thereafter fled from the scene.

3. Learned Counsel for the Applicant contends that the Applicant is innocent and has been falsely implicated in the present case with mala fide intention and ulterior motives. It is argued that the Applicant is not a resident of Karachi and had never visited the locality in question. According to learned Counsel, the Applicant has no connection with the persons or places mentioned in the FIR and has merely been implicated because of his arrest in an unrelated case. It is further submitted that the

FIR was registered against four unknown persons and contains no description or identifying particulars, such as their names, addresses, height, physical features or body structure. Learned Counsel further submits that despite the lapse of approximately five months from the date of occurrence, no identification parade was conducted and no recovery of any incriminating article was effected from the applicant. It is also submitted that the challan has already been submitted before the learned trial Court and, therefore, further incarceration of the applicant would serve no useful purpose. On these grounds, learned counsel seeks grant of bail.

4. Conversely, learned Assistant Prosecutor General, Sindh has opposed the bail application and submitted that the Applicant is a habitual street criminal and is involved in armed robbery cases. She further contends that the Applicant made admissions before the police during investigation and that sufficient material is available connecting him with the commission of the offence. She, therefore, prays for dismissal of the bail application.

5. I have heard the learned Counsel for the Applicant as well as Assistant Prosecutor General, Sindh and have gone through 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 undertake a deeper appreciation of evidence, lest it prejudices either party at the trial.

6. In the present case, the FIR was admittedly lodged against four unknown persons. The occurrence is alleged to have taken place on 27.02.2026, whereas the applicant was arrested on 22.07.2026, i.e. after a considerable lapse of time. Significantly, the record, as presently available, does not show that the Applicant was identified by the Complainant or either of the alleged eyewitnesses through a legally conducted identification parade. No identification parade appears to have been held after his arrest. Likewise, no robbed property, weapon or other incriminating article has been recovered from the possession of the applicant.

7. The contention of the prosecution that the Applicant made an admission before the police during investigation also requires cautious consideration. At this stage, no legally admissible material has been pointed out which, independent of such alleged police admission, directly connects the Applicant with the occurrence. The mere assertion that the applicant is a habitual street criminal or is involved in other cases cannot, by itself, constitute substantive evidence of his involvement in the present

occurrence. Each criminal case has to be examined on the basis of its own facts and the material collected therein.

8. It is also relevant that the challan has already been submitted before the learned trial Court. Thus, the investigation has substantially culminated, and the continued detention of the applicant is not shown, on the present record, to be necessary for the purpose of further investigation or recovery. In the circumstances noted above, the prosecution material presently available does not furnish such reasonable grounds as would conclusively connect the applicant with the alleged occurrence. Rather, the absence of identification and recovery, coupled with the substantial delay between the occurrence and the Applicant's arrest, creates a circumstance requiring further inquiry within the meaning of Section 497(2), Cr.P.C.

9. Consequently, without expressing any opinion on the merits of the case, which may prejudice either side at the trial, the applicant has succeeded in making out a case of further inquiry under Section 497(2), Cr.P.C. The bail application is, therefore, allowed. Applicant, namely, Arfan Saeed so of Saeed Ahmed is admitted to post-arrest bail subject to his furnishing a solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand Only) with PR bond in the like amount to the satisfaction of the trial Court.

10. 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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