

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.859 of 2025

Applicant : Jabir son of Javed
through Mr. Ismail Shah, Advocate

Respondent : The State
through Ms. Rahat Ahsan, DPG.

Date of hearing : 09.05.2025

Date of order : 19.05.2025

ORDER

KHALID HUSSAIN SHAHANI, J. Applicant Jabir seeks post-arrest bail in a case bearing crime No.603/2024, registered at Police Station Saeedabad, Karachi, under Sections 392, 397, and 411 PPC. His earlier bail plea was declined by the learned VIIth Additional Sessions Judge, Karachi West, vide order dated 05.12.2024.

2. Facts of the case, as per FIR are that on 17.10.2024 at around 2:00 p.m., the complainant Talib Hussain was returning home on his motorcycle when two unidentified individuals intercepted him near Katcha Road, Sector 15/16 Saeedabad, at gunpoint, and forcibly snatched his motorcycle. It is alleged that due to hue and cry, people from the locality gathered, whereupon the accused fled the scene leaving behind their own motorcycle bearing registration No. KIA-3212. Consequent upon; case was registered inter-alia on above facts.

3. Learned counsel contended that the applicant is innocent and has been falsely implicated without lawful justification. He emphasized that the applicant was not arrested from the spot, nor is there any eyewitness who named him in the FIR. No description (hulya) of the applicant is mentioned in the memo of arrest and recovery. The motorcycle left at the spot is registered in the name of one Asmatullah Niazi, who is stated to be the uncle of co-accused Attaullah, not the present applicant. It was argued that no identification parade has been conducted to establish the identity of the applicant. Further, there is no mention of any individual from the locality who attempted to apprehend the applicant at the time of occurrence. It was also contended that the applicant and complainant belong to the same profession (motorcycle mechanics), but this aspect will be determined at

trial. The learned counsel concluded that the case calls for further inquiry and does not fall within the prohibitory clause of Section 497(1) Cr.P.C.

4. Conversely, learned APG opposed the bail application on the ground that sufficient material is available to connect the applicant with the alleged offence, including the recovery of the snatched motorcycle. He submitted that the offence is of serious nature involving robbery at gunpoint and falls under Section 397 PPC.

5. Prima facie, the applicant was not arrested at the place of occurrence. The FIR does not reflect description (hulya) of the accused. The motorcycle allegedly left at the scene is registered in the name of Asmatullah Niazi, who is not shown to have any direct connection with the present applicant, except being a relative of co-accused Attaullah. Furthermore, no identification parade was held to verify the role of the present applicant. There is also no mention of any specific locality person who attempted to apprehend the applicant at the time of the occurrence. The claim of learned counsel that both parties are known to each other and are engaged in the same profession may be relevant but requires adjudication at trial. Guilt or innocence cannot be determined at this stage.

6. The alleged offence, though serious, does not per se fall within the prohibitory clause of Section 497(1) Cr.P.C. In such circumstances, the rule is bail and refusal is an exception. No recovery has been effected from the applicant, nor is he stated to be required for further investigation. Accordingly, the applicant Jabir is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

JUDGE