

# IN THE HIGH COURT OF SINDH AT KARACHI

## Criminal Bail Application No.924 of 2025

Applicant : 1. Muhammad Nadeem son of Qaiser Khan  
2. Zahor Shah son of Sahat Ali Shah,  
through Mr. Allah Bakhsh Narejo, Advocate.

Respondent : The State  
through Mr. Sardar Ali Solangi, Addl. P.G Sindh

Date of hearing : 15.05.2025

Date of order : 23.05.2025

## **ORDER**

**KHALID HUSSAIN SHAHANI, J.-** Applicants Muhammad Nadeem and Zahoor Shah seek post-arrest bail in case bearing crime No. 159/2025, registered at P.S. Surjani Town, under Sections 392/397/34 of the Pakistan Penal Code, 1860. Their earlier bail plea was declined by the court of learned IV Additional Sessions Judge Karachi West vide order dated 25.03.2025.

2. The brief facts of the case, as per the FIR, are that the complainant was accosted by four individuals on two motorcycles who attempted to rob him of cash Rs. 55,000/-, his CNIC, and a wristwatch at gunpoint. Upon the arrival of the police, two culprits fled, while the present applicants were apprehended at the scene. During the search, a 9mm pistol with a loaded magazine was allegedly recovered from the possession of applicant Muhammad Nadeem, along with a purse containing his original CNIC, cash Rs.3,500/-, and two mobile phones. From the possession of applicant Zahoor Shah, a mobile phone and cash Rs. 1,500/- along with his CNIC copy were allegedly recovered. Consequent upon; case was registered inter-alia on above facts.

3. Learned counsel contended that a close reading of the FIR reveals that the incident, as narrated, only amounts to an attempt to commit robbery. He argues that the FIR does not assign any specific role to either of the present applicants in the act of demanding or trying to snatch the cash and articles from the complainant. This, according to the learned counsel, makes the contention that no actual robbery was committed tenable in nature. He has vehemently argued that the alleged offense,

therefore, does not fall within the prohibitory clause of Section 497(1) Cr.P.C. The learned counsel has placed reliance on the pronouncements of the Honourable Supreme Court in 2017 SCMR 733 and the judgments of the High Courts reported as 2024 P.Cr.L.J 1521 and 2007 YLR 1144, asserting that in cases not falling within the prohibitory clause, and where further inquiry is warranted, bail should be granted as a rule, especially when the guilt or innocence of the accused can only be definitively determined after a full-dressed trial. He reiterates that no incriminating article directly linked to a completed robbery was recovered from the applicants. He assures the court that the applicants are law-abiding citizens and will not tamper with the prosecution witnesses or abscond if granted bail, and they are ready to furnish solvent surety to the satisfaction of this Court.

4. Conversely, the learned State Counsel has vehemently opposed the grant of bail, arguing that the applicants were apprehended at the scene of the crime immediately after the attempt to commit robbery. He highlights the recovery of a firearm from the possession of applicant Muhammad Nadeem and the recovery of some cash and mobile phones from both applicants, which, according to the prosecution, are linked to the attempted robbery. He contends that these recoveries prima facie connect the applicants with the commission of the offense, and therefore, while it may be a case requiring further inquiry, the applicants should not be released at this stage, especially considering the use of a firearm.

5. Having considered the supplementary arguments advanced by the learned counsel for the applicants, particularly the emphasis on the incident being an attempted robbery and the lack of specific roles attributed to the applicants in the FIR regarding the demand and snatching of the items, along with the reliance placed on the cited case law, I find merit in the contention that the case requires deeper scrutiny as to the actual commission of the offense of robbery under Section 392, 397 PPC, as opposed to an attempt. The absence of direct recovery of the specifically targeted cash and wristwatch from the applicants further strengthens the case for further inquiry. The cited judgments support the principle that in offenses not falling within the prohibitory clause of Section 497(1) Cr.P.C., bail is generally granted, especially when the determination of guilt necessitates a full trial.

6. Considering the nature of the allegations as reflecting an attempt, the lack of direct recovery of the main alleged stolen items, the absence of a specific role assigned to the applicants in the actual snatching in the FIR, the fact that the offense under Section 392 read with Section 511 PPC may not fall within the prohibitory clause, and the principles enunciated in the cited case law, coupled with the undertaking of the applicants not to tamper with the witnesses or abscond. All the culminate facts suggest, the case of applicants falls within the ambit of further inquiry as envisaged under Section 497(2) Cr.P.C. Accordingly, applicants are admitted to bail subject to furnishing their solvent sureties in sum of Rs.100,000/- (Rupees One Lac only) each, and P.R. bond in the like amount to the satisfaction of the learned trial Court.

7. Needless to mention, the observations made herein are tentative in nature and shall not prejudice the trial court in deciding the matter on merits.

**J U D G E**