

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 606/2025

Applicant : Sajid Ali Janwari son of Mehbob Ali Janwari,
Through Mr. Qaim Memon, Advocate

Respondent : The State
Through Mr. Muhammad Mohsin, APG

Date of hearing : 30.04.2025

Date of order : 30.04.2025

ORDER

KHALID HUSSAIN SHAHANI, J. –Applicant, Sajjid Ali Janwari, seeks post arrest bail emanating from FIR No. 09 of 2025, registered at Police Station Bin Qasim, Karachi, for offences punishable under Sections 392, 397, and 34 PPC. The applicant's bail plea was earlier declined by the learned Additional Sessions Judge-VI, Malir, Karachi.

2. As per the prosecution's version, on 07.01.2025, at about 07:40 a.m., near Pakistan Steel Mill roundabout, Mehran Highway, Malir, Karachi, the complainant Zulfiqar, was allegedly deprived of his mobile phone (I-Phone XSMAX) by three unidentified armed assailants. Consequent upon; case was registered inter alia on above facts.

3. Learned counsel appearing for the applicant has, at the very outset, contended that the applicant is innocent and has been falsely roped into the present case due to mala fide intent on part of the complainant. He argued that Section 397 PPC, which entails a mandatory minimum sentence, is inapplicable in the facts of the case vis-à-vis the applicant. He further submitted that no incriminating recovery was effected from the applicant, and the recovery shown is planted. He emphasized that the case does not fall within the prohibitory clause of Section 497 Cr.P.C., and urged that the applicant be extended the concession of bail.

4. The learned Additional Prosecutor General, Sindh, while not opposing the grant of bail, recorded his no objection to the instant application in view of the affidavit filed by the complainant wherein he has expressly raised no objection to the applicant being admitted to bail.

5. The record reveals that the name of the applicant does not find mention in the FIR. He was subsequently arrested on 09.01.2025 in a

case bearing crime No. 11 of 2025, also of P.S. Bin Qasim, and thereafter subjected to an identification parade, the memo of which has been placed on the record. Although the complainant is stated to have identified the present applicant during the said identification exercise, alleging that he was the one holding a pistol and who searched the complainant's body to take his phone and wallet, such version appears to be at variance with the complainant's later stance.

6. Notably, the complainant has since submitted a sworn affidavit in which he has raised no objection to the grant of bail to the applicant. This has resulted in two conflicting versions, one set forth in the FIR and the other in the shape of the complainant's affidavit. Such divergence creates a situation where the veracity of the complainant's version and the credibility of his identification of the applicant would require determination at the time of trial, after recording of evidence.

7. It also appears that the alleged incident took place on 05.01.2025, while the FIR was registered two days later on 07.01.2025, a delay which also merits judicial scrutiny in trial proceedings. The investigation has since concluded, the case has been challaned, and the applicant is no longer required for the purpose of further investigation.

8. In light of the above circumstances and keeping in view the principles laid down under Section 497(2) Cr.P.C., the applicant has succeeded in making out a case of further inquiry. Accordingly, the applicant is admitted to post-arrest bail upon furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and a personal recognizance bond in the like amount to the satisfaction of the Nazir of this Court.

9. Before parting, it is observed that the findings recorded hereinabove are purely tentative in nature and shall not prejudice the case of either party during the course of trial. The trial Court shall evaluate the evidence independently and uninfluenced by any observation made in this order.

10. The applicant is directed to ensure regular attendance before the trial Court and shall not, in any manner, attempt to influence or interfere with the prosecution witnesses. Any violation of these conditions may entail cancellation of bail in accordance with law.

J U D G E