

THE HIGH COURT OF SINDH KARACHI

Criminal Bail Application No.1200 of 2025

Applicant/ Accused : Nadir Sultan son of Muhammad Sultan, through Liaqat Ali Awan, Advocate.

Complainant : Afzaal Anwar Ali son of Anwar Ali,

The State : Through Mr. Qamaruddin Nohri, Deputy Prosecutor General, Sindh.

Date of hearing : 04-06-2025

Date of order : 05-06-2025

*FIR No.136/2025
U/S: 397 PPC
P.S. Darakshan*

ORDER

Muhammad Hasan (Akber) J. - The Applicant/ Accused seeks post-arrest bail in the aforesaid crime after the same was declined by Xth Additional Sessions Judge, Karachi (South) by an order dated 05.05.2025.

2. As per the FIR lodged on 22.02.2025, the complainant, who is employed in a private company, stated that on the evening of the incident at around 1915 hours at Khayaban-e-Shahbaz, an unknown person aged about 35 to 40 years, armed with a pistol, intercepted him and snatched his Samsung A54 mobile phone before fleeing the scene.

3. Learned Counsel for the applicant submitted that the applicant is innocent and has falsely been implicated in this case. He also contended that the name of the applicant does not appear in the FIR nor any specific role has been assigned to the applicant. He submits that the FIR was registered with the delay of eight days without any explanation. He further submitted that nothing incriminating has been recovered from the possession of the applicant; that the identification parade was not held properly as firstly it was held after delay of six days and secondly the applicant/accused was produced without muffle face and thirdly the applicant/accused was shown to

the complainant at the police station. In this regard, he has relied upon the cases of *Ghulam Nabi Vs. The State* [2002 PCrLJ 349], *The State Vs. Farman Hussain & Others* [PLD 1995 SC 1], *Asghar Ali alias Sabah & Others Vs. The state* [1992 SCMR 2088] and *Muhammad Pervez & Others Vs. The state* [2007 SCMR 670]. He prayed that the applicant may be released on bail for which the applicant is ready to furnish a solvent surety.

4. Learned Deputy Prosecutor General, Sindh opposed for grant of bail on the ground that the complainant has identified the present applicant/accused during identification parade held before the Court of learned Vth Judicial Magistrate, Karachi South.

5. Heard and perused the record.

6. Perusal of the record shows that the applicant is not named in the FIR. It is also matter of record that though he was charged with an offence of robbery but no incriminating articles is claimed to have recovered from his possession. During scrutiny of record I do not find anything available on record which rope the applicant with the alleged incident hence the guilt of the applicant needs evidence. The applicant/accused for which offence he is charged does not fall within the prohibitory clause of Section 497, whereas grant of bail is a rule and refusal is an exception. No exception has been pleaded by learned Deputy Prosecutor General, Sindh to believe that he will misuse the concession of bail. In view of the foregoing, this Criminal Bail Application was granted vide my short order dated 04.06.2025 and these are the reasons for the same.

7. Needless to state that observations herein are tentative and nothing herein shall be construed to prejudice the case of either side at trial.

JUDGE

HYDER/PS