

IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No. 3049 of 2025

Before:
Justice Zafar Ahmed Rajput, CJ
Justice Jan Ali Junejo

Applicants : (1) Abdul Hameed s/o. Ali Muhammad, (2) Faqeer Muhammad s/o. Muhammad Yousuf & (3) Bilal alias Memon s/o. Abdul Rasheed Through Mr. Samiullah Soomro, advocate.

Respondent : The State, through Mr. Mumtaz Ali Shah.

Date of hearing : 11.12.2025
Date of order : 11.12.2025

ORDER

ZAFAR AHMED RAJPUT, CJ:- Having been rejected their earlier application for grant of post-arrest bail being Bail Application No.312 of 2025, arising out of Crime/F.I.R. No. 367/2025, registered at P.S. Garden, Karachi-South, under sections 384, 385, 34, P.P.C. read with section 7 of the Anti-Terrorism Act, 1997 (the “Act”), by the learned Judge, Anti-Terrorism Court No.V, Karachi, vide order dated 31.10.2025, the applicants/accused (1) Abdul Hameed s/o. Ali Muhammad, (2) Faqeer Muhammad s/o. Muhammad Yousuf & (3) Bilal Alias Memon s/o. Abdul Rasheed through instant Criminal Bail Application seek the same concession from this Court.

2. Brief facts of the case, as narrated in the FIR lodged by the complainant Muhammad Umair s/o. Muhammad Shabbir, on 13.09.2025, are that on 04.09.2025 he received a Whatsapp call on his mobile phone from one Bahadur PMT demanding *Bhatta* (extortion money) amounting to Rs. 20,00,000.00, who also sent three videos and six voice messages threatening the complainant for causing his murder and of his father, so also causing grenade attack on his shop.

3. Learned counsel for the applicants contends that the applicants are innocent and have falsely been implicated in this case; that the applicants are not nominated in the FIR; that there is delay of about nine days in lodging the F.I.R., for which

no plausible explanation has been furnished by the complainant; that no identification parade of the applicants has been held before any Judicial Magistrate; that no incriminating material has been recovered from possession or pointation of the applicants; that the investigation of the case in hand has already been completed and Challan has also been submitted; hence, the applicants are no more required for Investigation; that the guilt of the applicants requires further inquiry entitling them to bail.

4. Conversely, learned APG maintains that the applicants were arrested in another case and during interrogation of the said crime, the applicants confessed their guilt and involvement in the instant crime; that sufficient material is available with the prosecution to connect the applicants with the commission of alleged offence; as such, they are not entitled to the bail.

5. Heard, record perused.

6. It is an admitted position that the FIR has been lodged against one Bahadur, whereas applicants are not nominated in the FIR. Prima facie, no direct or indirect evidence is available with the prosecution to connect the applicants with the commission of alleged offence. They were arrested in some other cases and as per prosecution, they admitted their involvement in the instant crime before the police while in custody. No confessional statement has been made by the appellants before concerned Judicial Magistrate. So far confession made by the applicants before the police-officer is concerned, the same is inadmissible in evidence according to Article 38 of the Qanun-e-Shahadat, 1984. In our view the case of the applicants is covered under sub-section (2) of section 497, CrPC, requiring further inquiry into their guilt. Accordingly, the instant application is allowed and in result thereof the applicants are admitted to post-arrest bail in aforesaid crime/offence subject to furnishing by them solvent surety in the sum of Rs.100,000/- (*Rupees One Hundred Thousand Only*) and P.R. Bond for like amount to the satisfaction of Trial Court.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the Trial Court while deciding the case of the applicants on merits and if any of the applicants in any manner tries to misuse the concession of bail, it would be open for the Trial Court to cancel his bail after issuing him the requisite notice.

CHIEF JUSTICE

JUDGE

Athar Zai