

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2963 of 2025

Applicant : Yaqoob Ahmed through Mr. Israr Ahmed Abro,
Advocate

Complainant : Through Mr. Ghulam Hussain Laghari, Advocate

Respondent : The State
through Mr. Sharafuddin Kanhar, APG Sindh

Date of hearing : 16.01.2026

Date of order : 16.01.2026

ORDER

TASNEEM SULTANA, J.— Through This Criminal Bail Application, the applicant Yaqoob Ahmed seeks pre-arrest bail in Crime No.505/2025 for the offence under Section 395 P.P.C., registered at Police Station Ferozabad. Having been rejected his earlier bail application No.4773 of 2025, passed by learned XIIIth Additional Sessions Judge, Karachi, East, vide order dated 23.10.2025, hence, this bail application for same concession.

2. Brief facts of the prosecution case, are that the complainant Muhammad Aslam stated that he resides abroad most of the time and is engaged in private business; on 05.05.2025 his friend allegedly handed over to him cash amounting to Rs.10,000,000/- to be returned the following day; the complainant kept the said amount at his residence and on 06.05.2025 deputed his employees, namely Muhammad Asif and Abdul Latif/Abdul Malik, to bring the cash; while they were transporting the amount in vehicle No.BTB-8106 and reached near Bungalow No.184, DMCHS Block-3, Karachi at about 02:15 p.m., unknown armed persons travelling in vehicles intercepted them, abducted them at gunpoint, snatched the cash amount and mobile phones and later released them; during investigation co-accused Abdul Latif was arrested and the present applicant's name surfaced through his disclosure.

3. Learned counsel for the applicant contended that the applicant is innocent; that he has not been nominated in the FIR; that no specific role has been assigned to him; that his implication rests solely upon disclosure of co-accused recorded in police custody; that no recovery has been effected from him; that alleged identification through photographs is legally weak; and that co-accused Abdul Latif has already been admitted to post-

arrest bail, therefore rule of consistency applies; that in the circumstances interim pre arrest bail may be confirmed.

4. Conversely, learned A.P.G. opposed confirmation of bail and contended that huge amount is involved; that the applicant has been nominated during investigation; that witnesses identified him through photographs; that robbed cash is yet to be recovered; and that pre-arrest bail being extraordinary relief should not be confirmed.

5. Heard. Record perused.

6. A perusal of the record reflects that the FIR has been registered against unknown persons and the present applicant does not figure therein. His nomination has surfaced subsequently based on disclosure made by arrested co-accused Abdul Latif. The legal worth of such disclosure, at this stage, is to be examined on the touchstone of settled principles governing police custody statements, which by themselves do not constitute substantive evidence unless independently corroborated. Tentative assessment of the record further gives rise to certain material questions which, at this stage, cannot be conclusively resolved without deeper appreciation of evidence. It is yet to be examined as to whether mere disclosure of a co-accused, unaccompanied by any recovery, can legally suffice to connect the present applicant with the commission of the alleged offence; whether the alleged identification through photographs, in absence of test identification parade, carries probative evidentiary value and whether the investigative material presently collected is sufficient to shift the accusation from unknown culprits to the present applicant. All these aspects, by their very nature, call for probing examination at trial and squarely bring the case within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C.

7. It is also significant that co-accused Abdul Latif on whose disclosure the applicant has been implicated has already been admitted to post-arrest bail. Though considerations governing pre-arrest and post-arrest bail are distinct, yet where the very source of nomination stands enlarged on bail and the case of present applicant rests on derivative implication, the rule of consistency becomes a relevant mitigating factor.

8. Guidance is drawn from ***Tariq Bashir (PLD 1995 SC 34)*** and ***Salman Mushtaq (2024 SCMR 14)*** that where involvement requires deeper probe and evidence calls for tentative assessment; concession of bail is to be extended.

9. For the foregoing tentative reasons, the interim pre-arrest bail granted to the applicant vide order dated 29.10.2025 was confirmed on the same terms and conditions through my short order dated 16.01.2026. These are the reasons thereof.

10. Needless to observe that the observations made herein are purely tentative in nature and shall not influence the trial Court.

JUDGE