

IN THE HIGH COURT OF SINDH, AT KARACHI

Cr. Bail Appln. No. 3431 of 2025

Applicant : Asad through M/s Waqar Ahmed and Ali
Hyder, Advocates.

Respondent : The State, through Mr. Sharafuddin
Kanhar, A.P.G.

Date of order : 12.01.2026.

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ORDER

TASNEEM SULTANA, J.:-Through this Criminal Bail Application, the applicant Asad son of Shabbir seeks post-arrest bail in Crime No. 459/2025 registered at Police Station Jackson, Karachi, for offences under sections 397/34, PPC having been rejected his earlier post arrest bail application No.5867 of 2025 by the Additional Sessions Judge-Karachi West (Trial Court) vide order dated 18-11-2025. Hence this bail application for same concession.

2. Briefly stated, the prosecution case is that the complainant alleged that on the date and time mentioned in the F.I.R., while returning home from work, he was intercepted by unknown persons who, at gunpoint, allegedly deprived him of cash, personal documents and a motorcycle. Subsequently, during investigation, the present applicant was arrested and booked in the case.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated, that no recovery of robbed property has been effected from his possession. that the F.I.R. was registered against unknown persons; that the alleged implication is based upon doubtful identification; that the applicant is a juvenile within the meaning of the Juvenile Justice System Act, 2022, as supported by the age certificate placed on record, that investigation has been completed and challan has already been submitted; that further incarceration would serve no useful purpose. It was further submitted that the case, at best, calls for further inquiry.

4. Conversely, learned D.P.G., assisted by learned counsel for the complainant, opposed the application on the ground of the seriousness of the offence and maintained that the applicant has been rightly implicated.

5. Heard. Record perused.

6. Perusal of record reveals that applicant was not named in the FIR but later on he was booked in the case on the basis of further statement of complainant; however, the role attributed to the present applicant is not supported by any direct recovery from his possession. The question of identification and the manner in which the applicant has been connected with the offence require deeper appreciation of evidence, which is the exclusive domain of the trial Court. The record further reflects that the applicant has been declared juvenile by a competent medical board, thereby attracting the protective mandate of section 10 of the Juvenile Justice System Act, 2022, which emphasizes leniency and discourages prolonged detention of juveniles. Moreover, the investigation has been completed, and the challan has already been submitted; thus, the applicant is no longer required for investigative purposes. In these circumstances, it appears that the case of the applicant prima facie falls within the scope of further inquiry as envisaged under Section 497(2) Cr.P.C.

7. The Section 397 PPC prescribes a minimum punishment of seven years with fine, thus, even otherwise, the case does not fall within the prohibitory clause of section 497, Cr.P.C. In such like cases, grant of bail is a rule and refusal will be exception. In this regard reliance is placed upon the case of **Muhammad Tanveer V. The State and another (PLD 2017 SC 733)**, wherein the Supreme Court of Pakistan observed:

"We are shocked and disturbed to observe that in cases of this nature, not falling within the prohibition contained in section 497, Cr.P.C., invariably grant of bail is refused on flimsy grounds. This practice should come to an end because the public, particularly accused persons charged for such offences are unnecessarily burdened with extra expenditure and this Court is heavily taxed because leave petitions in hundreds are piling up in this Court and the diary of the Court is congested with such like petitions. This phenomenon is growing tremendously, thus, cannot be lightly ignored as precious time of the Court is wasted in disposal of such petitions. This Court is purely a constitutional Court to deal with intricate questions of law and Constitution and to lay down guiding principle for the Courts of the country where law points require interpretation.

Similar view was taken by honourable Supreme Court in the case of **Sheikh Abdul Raheem v. The State and another (2021 SCMR 822)**.

8. In view of above discussion, on tentative assessment of the material brought on record, at this stage, prosecution case against the applicant calls for further enquiry. Consequently, instant post arrest bail application is allowed and the applicant is admitted to bail, subject to furnishing solvent surety in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

It is clarified that the observations made hereinabove are tentative in nature and shall not prejudice either party during the trial.

JUDGE

Shabir/PS