

# **THE HIGH COURT OF SINDH AT KARACHI**

## **Criminal Bail Application No.3301 of 2025**

Applicant : Taqi Haider son of Mohsin Ali  
through Mr. Nazir Ahmed, Advocate

The State : Through Mr. Zahoor Ahmed Shah,  
Additional Prosecutor General,  
Sindh

Date of hearing : 19.12.2025

Date of decision : 19.12.2025

### **ORDER**

**Jan Ali Junejo, J.-** This order disposes of the captioned post-arrest criminal bail application filed under Section 497, Cr.P.C., whereby the Applicant seeks his release on bail pending trial in case arising out of FIR No.924 of 2025, registered at Police Station Defence, Karachi, for offences under Sections 392, 397, and 34, PPC. The impugned order dated 25.11.2025 passed by the learned Additional Sessions Judge-IX, South, Karachi, in Bail Application No. 4286 of 2025, declined bail to the Applicant.

2. As per the FIR lodged on 26.10.2025 at 0015 hours by complainant Qadir Ahmed, on 25.10.2025 at about 1845–1930 hours near Agha Khan Signal, Shell Pump, DHA Phase-II, Karachi, four unknown persons riding two 70cc motorcycles, allegedly armed, intercepted the complainant and his brother who were transporting two cartons containing 49 new boxed mobile phones, and allegedly snatched the same. The FIR enumerates brands and quantities but states that IMEI numbers would be provided later. The Applicant was arrested on 12.11.2025 along with a co-accused; according to the police case, a snatched phone was recovered from co-accused Salman Ali and a phone box from the Applicant. No identification parade is shown to have been conducted; no independent eyewitnesses are cited in the FIR despite alleged public presence.

3. Learned counsel for the Applicant contends that the Applicant is innocent and has been falsely implicated; no specific role is assigned to him in the FIR which names no accused; there is no direct evidence

connecting the Applicant with the alleged robbery. It is argued that (i) the FIR was lodged with delay and the delay remains unexplained; (ii) the FIR is based on a solitary, uncorroborated statement with vague descriptions; (iii) no IMEI numbers were furnished contemporaneously to link any alleged recovery; (iv) the alleged recovery from the Applicant is only of a phone box, which by itself does not constitute incriminating material sufficient to deny bail; (v) no identification parade has been held; (vi) the Applicant has no criminal antecedents, is ready to furnish surety, and undertakes not to abscond or tamper with the prosecution evidence. Learned counsel prays that, applying the rule that bail is a rule and jail an exception where the case calls for further inquiry, bail be granted under Section 497(2), Cr.P.C., on appropriate conditions.

4. Conversely, learned APG opposes bail, submitting that sufficient material exists connecting the Applicant with the commission of the offence. He refers to the asserted recovery made at the time of arrest—one allegedly snatched mobile phone from co-accused Salman Ali and a corresponding phone box from the Applicant—contending that such possession shortly after the incident prima facie implicates them. He submits that the case is under investigation; release on bail at this stage may prejudice the probe. Given the rising incidence of street crime, including armed robberies, it is urged that a strict view be taken. The learned APG prays for dismissal of the bail application.

5. I have heard the arguments advanced by the learned counsel for both sides and undertaken a tentative assessment of the material available on record. On such tentative examination, it appears that the FIR was lodged against unknown persons, and the Applicant is not named therein. The alleged occurrence is stated to have taken place at a public location where, as per the FIR, several persons had gathered; however, no independent eyewitness was cited or associated at the time of initial reporting. The FIR, though lodged within hours after midnight, does not contain IMEI numbers or other unique identifiers at the inception to enable a definitive forensic linkage of any later recovery with the stolen property. The fulcrum of the prosecution's present opposition is the alleged recovery at arrest made on 12.11.2025, approximately sixteen days after the occurrence, of one phone from co-accused Salman Ali and a phone box from the Applicant. At this stage, the material before the Court does not demonstrate that any scientific verification (such as matching IMEI or stock/serial numbers, purchase records, or CCTV trail) has conclusively linked the recovered items to the stolen consignment described in the FIR. The prosecution also does not show that an identification parade of the

Applicant was conducted in accordance with law so as to ascribe to him a role at the scene. Mere possession of a mobile phone box, without more, is a weak piece of circumstantial evidence and, absent immediate, credible linkage to the stolen corpus, does not by itself exclude the hypothesis of innocence for purposes of bail.

6. The existence of a co-accused from whom a mobile phone is allegedly recovered may ultimately bear upon the question of common intention under Section 34, PPC; however, at the bail stage, the Court must assess whether the evidence so far available reasonably connects the Applicant to the alleged robbery to the degree that would place his case outside the remit of further inquiry. Given that the FIR lacks IMEIs at inception and the prosecution, at present, does not place on record an identification parade, independent eyewitness account, recovery from the Applicant of any weapon, the stolen phones, or cash proceeds, the connection of the Applicant to the alleged offence appears tentative.

7. The offence under Sections 392 and 397, PPC, is undoubtedly grave and falls within the prohibitory clause in terms of punishment. Nonetheless, even in cases falling within the prohibitory clause, bail can be considered where the case calls for further inquiry under Section 497(2), Cr.P.C., or where the prosecution evidence, as presently available, does not furnish reasonable grounds for believing that the accused committed the offence, but only points to further inquiry. The Supreme Court and this Court have consistently held that where identity is doubtful, role is unspecified, and recovery is inconclusive or marginal, an accused may be admitted to bail subject to stringent conditions, provided there is no likelihood of absconsion or tampering with evidence.

8. The impugned order of the learned Additional Sessions Judge primarily relied upon the general increase in street crime and the asserted recovery to decline bail. While the societal impact of such offences merits serious judicial concern, bail decisions must rest on the statutory thresholds and the quality of material connecting the specific accused with the specific crime. Punitive considerations at the pre-trial stage cannot override the legal presumption of innocence and the mandate of Section 497, Cr.P.C.

9. The Applicant has no demonstrated prior criminal record placed before this Court; he has remained in judicial custody; the investigation, as per the State, is ongoing. The prosecution has not shown that the Applicant's further physical custody is necessary for investigative purposes, nor is there material suggesting that, if released, he is likely to

abscond or interfere with witnesses, who in any event appear not to have been identified or cited independently so far. These factors cumulatively bring the matter within the purview of further inquiry, within the meaning of Section 497(2), Cr.P.C.

10. In the circumstances, this Court is of the tentative view that the Applicant has made out a case for grant of bail on the touchstone of further inquiry.

11. The present Criminal Bail Application is allowed. The Applicant, Taqi Haider S/o. Mohsin Ali, is admitted to post-arrest bail in case arising out of FIR No. 924 of 2025, under Sections 392, 397, 34, PPC, registered at Police Station Defence, Karachi, subject to furnishing solvent surety in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) and a P.R. bond in the like amount to the satisfaction of the trial Court. These are the detailed reasons of the Short Order dated: 19-12-2025.

**JUDGE**

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