

**IN THE HIGH COURT OF SINDH AT KARACHI.**

Cr. Bail Appln. No. 381 of 2026.

Applicant : Asad Ali through Mr. Muhammad Younus Kan,  
Advocate.

Complainant : Irfanullah present in person.

Respondent : The State through Mr. Muhammad Noonari, D.P.G.

Date of hearing : 12.3.2026.

Date of order : 12.3.2026.

**ORDER.**

**TASNEEM SULTANA, J.:** – Through this Criminal Bail Application, the applicant Asad Ali seeks post-arrest bail arising out of Crime No. 45/2026 registered under Sections 392, 397, 34 P.P.C. at Police Station Manghopir, Karachi; subsequently, during investigation, Sections 411 and 412, P.P.C. were also incorporated. Having been rejected his earlier post-arrest bail application No. 506 of 2026 by the learned Additional Sessions Judge-VII, Karachi West, vide order dated 31.01.2026, hence this application for the same concession.

2. The details and particulars of FIR are already available in the bail application and FIR; same can be gathered from the copy of FIR attached with the bail application, hence need not to reproduce hereunder.

3. Learned counsel for the applicant contended that the applicant is innocent and has falsely been implicated; that the FIR was lodged with an unexplained delay of more than one month; that the FIR was registered against unknown persons and the applicant was not nominated therein; that the applicant was implicated during investigation on the allegation that he had purchased the robbed mobile phone; and that the complainant himself has subsequently exonerated the applicant by stating before the learned trial Court that he was not amongst the persons involved in the commission of robbery. On these submissions, it was urged that the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

4. Learned Deputy Prosecutor General, while assisting the Court, submitted that the present applicant was not nominated in the F.I.R. and was implicated subsequently during investigation on the allegation that he had purchased the robbed mobile phone; that such allegation, at the most, would bring the case within the ambit of Sections 411 / 412, P.P.C.; and that the matter, therefore, calls for further inquiry.

5. Heard. Record perused.

6. It appears that, during investigation, the applicant was initially treated as involved in the commission of robbery; however, subsequently, upon his disclosure that he had allegedly purchased the mobile phone from his neighbor Noman son of Sardar, the Investigating Officer proceeded to incorporate Sections 411 and 412, P.P.C., thereby altering the nature of the allegation against the applicant. Such development in the prosecution case, at least tentatively, indicates that the applicant's direct involvement in the commission of robbery is not supported by the material collected during investigation.

7. It may further be observed that Sections 411 and 412, P.P.C. are distinct offences having separate ingredients. While Section 411, P.P.C. pertains to stolen property generally, Section 412, P.P.C. relates specifically to property stolen in the commission of dacoity and requires prima facie material showing knowledge or reason to believe that the property had been so obtained. In the present case, particularly when the complainant himself has not implicated the applicant as one of the persons involved in the commission of robbery, the question whether the allegation against the applicant would attract Section 411 or Section 412, P.P.C. is a matter to be examined by the learned trial Court after recording evidence. The matter, thus, calls for further inquiry within the meaning of Section 497(2), Cr.P.C. Reliance is placed on the case of Farooque Ahmed v. The State (2007 P.Cr.L.J. 345), wherein it was observed that:

“While registering a case under section 412, P.P.C. it is necessary to show not only that the accused was in possession of the robbed property but further that he knew or had reason to believe that the property had been transferred by the commission of the dacoity. The offence under section 412, P.P.C. is much more serious than offence under section 411, P.P.C. Where there is no evidence to show that the accused had knowledge that the property in possession is subject matter of the dacoity he cannot be tried and convicted under section 412, P.P.C.”

8. In view of the above facts and circumstances, the applicant has succeeded in making out a case of further inquiry within the meaning of Section 497(2), Cr.P.C. Consequently, the instant bail application is allowed and the applicant Asad Ali is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- and P.R. bond in the like amount to the satisfaction of the learned trial Court. These are the reasons for my short order dated 12.03.2026.

9. The above observations are tentative in nature and shall not prejudice the case of either side at the trial.

**JUDGE**