

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

Cr. Bail Application No. 513 of 2026

Cr. Bail Application No. 594 of 2026

Applicants: Muhammad Talha, Manahil and Moiza Gohar  
through Mr. Naseer Nehal Hashmi, Advocate.

Complainant/Legal Heirs: Legal Heirs through Mr. Faheem Iqbal,  
Advocate

Respondent: The State through Mr. Muhammad Noonari,  
Deputy Prosecutor General Sindh.

Date of hearing: 12.3.2026.

Date of order: 12.3.2026.

**ORDER**

**TASNEEM SULTANA, J** :- By this common order, I propose to dispose of Cr. Bail Application No. 513 of 2026 and Cr. Bail Application No. 594 of 2026, whereby applicants Muhammad Talha and Manahil Choudhry seek pre-arrest bail, while applicant Moiza Gohar seeks post-arrest bail in FIR No. 393/2025 registered at Police Station Memon Goth, Karachi, for offences under Sections 393, 397, 319, 34 read with 302, 201, 202 and 109 PPC. Their earlier applications for bail, i.e., pre-arrest bail application bearing Cr. Bail Application No. 490 of 2026 filed by applicants Muhammad Talha and Manahil Choudhry and post-arrest bail application bearing Cr. Bail Application No. 514 of 2026 filed by applicant Moiza Gohar, were declined by the learned Additional Sessions Judge-III, Malir Karachi South vide order dated 12.02.2026; hence, the present applications for the same concession.

2. Brief facts of the prosecution case are that on 24.12.2025 at about 03:15 a.m., the complainant Moiza Gohar, a doctor by profession, was present at her clinic namely Gohar Medical Center situated at Feroz Jokhio Goth near Chokandi Graveyard along with her brother Talha and sister Manahil, when a white Corolla (GLI) arrived and persons therein knocked at the door on the pretext that one of their companions was suffering from kidney pain, whereupon two persons were allowed to enter. Meanwhile, another person entered, armed with a pistol, and attempted to commit robbery along with his accomplices. Upon alarm being raised, the said

persons fled from the spot and during their escape, one of them resorted to firing which accidentally hit and caused the death of his own companion who was present inside the clinic. Thereafter, the culprits escaped from the scene, leaving behind a pistol which was taken into possession by the police, and the dead body was shifted to Jinnah Hospital. Subsequently, the incident was reported to the police alleging that four unknown persons had attempted to commit robbery by force of arms, during which firing was made resulting in the death of one of their own companions.

3. During investigation, the Investigating Officer proceeded to develop an entirely divergent prosecution case. It appears from the record that despite the FIR having been lodged against unknown persons without any identification, the Investigating Officer connected one Salman with the occurrence on account of an alleged partnership dispute relating to Gohar Medical Centre. It is further a matter of record that pursuant to the FIR, the said Salman was arrested and remanded during the course of investigation but was subsequently discharged by the learned Trial Court under section 63 Cr.P.C., despite the prosecution attributing a central role to him. Thereafter, the said Salman filed Cr. Misc. Application No. 173 of 2026 on 10.01.2026 before the learned VIIIth Additional Sessions Judge, Malir, against the complainant, her brother Talha as well as against unknown person, seeking registration of an FIR, which application was dismissed vide order dated 19.01.2026.

4. Subsequently, on the basis of the version put forth by the said Salman, as well as the statements recorded under section 161 Cr.P.C. of Abdul Razzaq Masood and Ameer Khalid, the Investigating Officer shifted the nature of the case from one of attempted robbery to a case of intentional murder and subsequent concealment. In continuation thereof, the Investigating Officer arrested Moiza Gohar (complainant) and her father and submitted a remand report under Section 167 Cr.P.C. dated 20.01.2026, wherein an improved and self-contradictory version was introduced to the effect that the deceased had, in fact, been murdered during the occurrence and that the initial FIR had been lodged to conceal the actual facts. In pursuance thereof, Sections 302, 201, 202 and 109 PPC were incorporated in the case, while applicants Talha and Manahil were shown as absconders, whereafter they approached the concerned Court of Sessions for pre-arrest bail. Thereafter, the learned Trial Court, vide a common order, granted bail to the co-accused/father, Chaudhry Fida Hussain, on the ground that no active role was attributed to him, whereas pre-arrest bail was declined to

the applicants Talha and Manahil and post-arrest bail was declined to Moiza Gohar, hence these applications.

5. Learned counsel for the applicants has contended that the FIR was lodged against unknown persons with the allegation of attempted robbery; that during investigation the case has been given a different complexion by introducing a version of intentional murder and concealment; that the said change in the prosecution case is based upon the statement of co-accused Salman, Abdul Razzaq Masood and Ameer Khalid, under Section 161 Cr.P.C which according to him do not constitute substantive pieces of evidence; that no recovery has been effected from the applicants nor any forensic or ballistic evidence is available to connect them with the commission of the alleged offence; that although a role was attributed to Salman, he was discharged under Section 63 Cr.P.C., whereas the complainant herself has been implicated subsequently; that the co-accused, namely Chaudhry Fida Hussain, has already been granted bail by the learned Trial Court; that in so far as applicants Talha and Manahil are concerned, the circumstances prima facie indicate mala fide on the part of the Investigating Agency; and that in respect of applicant Moiza Gohar, the material available on record does not justify her continued detention, therefore, the applicants are entitled to the concession of bail.

6. Learned Deputy Prosecutor General, with reference to the material available on record, has submitted that the prosecution case is based upon two versions, one as set out in the FIR alleging attempted robbery by unknown persons and the other as surfaced during investigation on the basis of statements of co-accused Salman, Abdul Razzaq and Ameer Khalid recorded under Section 161 Cr.P.C; that the material collected during investigation primarily consists of the statements recorded under Section 161 Cr.P.C; that the conduct of the co-accused persons is also relevant, inasmuch as after the occurrence they did not approach the police despite their claim that they had visited the complainant for negotiation of a dispute; that in view of the material available on record, the case, to the extent of the applicants, may fall within the ambit of further inquiry.

7. Learned counsel for the legal heirs of the deceased has, however, opposed the grant of bail and contended that the version surfaced during investigation, based upon the statements of co-accused Salman, Abdul Razzaq and Ameer Khalid, connects the applicants with the commission of the alleged offence; that the presence of the applicants at the place of occurrence is admitted; that the background of dispute with co-accused

Salman provides motive; that the applicants, in order to conceal the actual occurrence, lodged the FIR showing the incident as one of attempted robbery and that the material collected during investigation is sufficient at this stage to connect the applicants with the commission of the alleged offence, therefore, the applicants do not deserve the concession of bail.

8. Heard. Record perused.

9. It appears that the FIR was promptly lodged against unknown persons by the complainant, namely Moiza Gohar (applicant in post-arrest bail), with the allegation of attempted robbery, which presents a consistent and natural version of the occurrence; however, during the course of investigation an altogether different version has been introduced, whereby the nature of the case has been altered to one of intentional murder and concealment. Such a material deviation in the prosecution case, at least tentatively, warrants cautious consideration at this stage.

10. Perusal of the record further reflects that the complainant, along with her siblings, namely Muhammad Talha and Manahil, has been arrayed as accused during investigation primarily on the basis of statements attributed to co-accused Salman, Abdul Razzaq and Ameer Khalid recorded under Section 161 Cr.P.C. It is settled law that such statements are not substantive pieces of evidence and, in the absence of independent corroboration, their evidentiary value remains tentative.

11. It further appears that no incriminating article has been recovered from the applicants; the weapon allegedly recovered from the place of occurrence has not been connected with the applicants through any forensic or ballistic report, nor have any fingerprints been secured therefrom; no independent witness has been associated during the course of investigation, and no identification proceedings appear to have been conducted despite the FIR having been lodged against unknown persons. It is further observed that although a role was attributed to co-accused Salman during investigation, he was discharged under Section 63 Cr.P.C., whereas the complainant herself has been implicated subsequently; such circumstances, prima facie, indicate inconsistency in the manner in which the investigation has been conducted. The co-accused, namely Chaudhry Fida Hussain, has already been admitted to bail, and the case of the present applicants does not, prima facie, appear to be distinguishable on material particulars. In these circumstances, and keeping in view the tentative nature of the material available on record, it cannot be said, at this stage, that there are reasonable grounds to believe that the applicants are guilty of the alleged offence; rather, the applicants have succeeded in bringing their case

within the purview of further inquiry within the meaning of Section 497(2) Cr.P.C.

12. In view of the above discussion, Cr. Bail Application No. 513 of 2026, filed by applicants Muhammad Talha and Manahil Choudhry for pre-arrest bail, was allowed and the interim pre-arrest bail granted to them on 16.02.2026 was confirmed on the same terms and conditions and Cr. Bail Application No. 594 of 2026, filed by applicant Moiza Gohar for post-arrest bail, was also allowed, and she was admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs. 200,000/- (Rupees Two Lacs) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

13. These are the reasons for the short order dated 12.03.2026.

**JUDGE**

Nadeem