

IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.483 of 2026

Applicant : Nazar Ali son of Nawaz
Through Mr. Haider Ali Maheri
Advocate

Complainant : Usman s/o Dildar Khan
Through Mr.Hameedullah Khan, Advocate

Respondent : The State
Through Mr. Muhammad Mohsin Mangi,
Assistant Prosecutor General Sindh

Date of hearing : 05.05.2026
Date of order : 05.05.2026

ORDER

MIRAN MUHAMMAD SHAH, J:- Through this application the applicant/accused Nazar Ali son of Nawaz, seeks post-arrest bail in Crime No.1540/2025, registered at Police Station Surjani, Karachi, under Sections 392, 397 and 34 PPC. His earlier application for the same relief was dismissed by the learned Additional Sessions Judge-I, Karachi West, vide order dated 20.01.2026,

2. The facts of the case are need not to be reproduce herein, as the copy of FIR is attached with the bail application and the facts are also stated in detail therein.

3 Heard learned counsel for the applicant, learned counsel for the complainant, as well as learned A.P.G., and perused the record. Admittedly, the present applicant was not nominated in the F.I.R. Subsequently, it is alleged that a few robbed iron rods and binding wires were recovered from his possession by the complainant party; however, no independent person was associated with the alleged recovery proceedings, while the remaining alleged robbed property was stated to have been taken away by the other co-accused persons, which creates doubt regarding the genuineness of the

alleged recovery and appears to have been foisted upon the present applicant. Learned counsel also raised law point with regard to the applicability of Section 397, P.P.C., contending that no hurt or injury was caused to any member of the complainant party during the alleged incident; therefore, the essential ingredients of Section 397, P.P.C. are missing and it does not attract in this case. In support of his contention, learned counsel has placed reliance upon an unreported judgment of this Court dated 07.05.2025, the relevant paragraph whereof is reproduced herein below: -

“11. Admittedly, appellants did not cause any injury to anyone, ingredients of offence u/s 397, PPC are not attracted, thus, at the most, offence would fall under section 392 PPC. Looking to the evidence available on record, I have come to the conclusion that offence if any would fall under section 392 PPC. Resultantly, conviction and sentence of appellants is modified from section 397 PPC to section 392 PPC.”

4. Besides this, the offence under Section 397, P.P.C. does not fall within the prohibitory clause of Section 497, Cr.P.C. It is yet to be determined during trial whether the alleged recovery was genuinely effected from the possession of the applicant or was foisted upon him. The applicant is behind bars, whereas the trial has yet to commence. It has also been brought on record that certain co-accused persons are still absconding and proceedings for declaring them proclaimed offenders are yet to be undertaken, which may take considerable time. In such circumstances, the applicant cannot be kept behind bars for an indefinite period till conclusion of trial. Consequently, the applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

5. Needless to mention here that the observation made herein above are tentative in nature and would not influence the trial court while deciding the case of the applicant on merits. However, in case the applicant misuses

the concession of bail in any manner, the trial court shall be at liberty to cancel the same after giving him notice, in accordance with the law.

Criminal bail application stands disposed of.

JUDGE

Suleman Khan/PA

