

IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.552 of 2026

Applicant : Hussain Ahmed son of Ahmed Liaquat,
Through Mr. Azhar Hussain, Advocate

Complainant : Irfan Ahmed
Through Mr. Qadir Bux, Advocate

Respondent : The State
Through Mr. Muhammad Mohsin Mangi,
APG

Date of hearing : 15.04.2026
Date of order : 15.04.2026

ORDER

MIRAN MUHAMMAD SHAH, J:- Through captioned criminal bail application, applicant Hussain Ahmed son of Ahmed Liaquat, seeks pre-arrest bail in Crime No.577 of 2024, registered at P.S Shahfaisal Colony, Karachi, for the offence punishable under Sections 380, 454 and 34 PPC. Prior to this the applicant had approached to the court of learned Additional Sessions Judge-I, Karaci East, for the same relief but it was declined vide order dated.13.02.2026. He was granted interim pre-arrest bail by this court on 19.02.2026, which is now fixed for confirmation or otherwise.

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 and record perused.

4. According to the prosecution case, on the day of incident, the family of the complainant went to the house of his in-law, he himself had proceeded to his job, while his father had also left the house after locking it and proceeded to his duty. Upon return, the complainant's father noticed that the lock of the house had been broken and the wardrobe was lying

open. He informed the police on 15, who visited the place of occurrence. In the meantime, the complainant also arrived and found that cash, prize bonds, and gold ornaments had been stolen. Consequently, he lodged the FIR against the present applicant and four others, who are stated to be his neighbours, on the basis of his belief that they might have committed the offence.

5. From the contents of the FIR it transpires that the occurrence is an unseen incident and no one has witnessed the commission of the offence. The nomination of the applicant is based purely on presumption and suspicion of the complainant, which calls for further inquiry within the meaning of Section 497(2) Cr.P.C. The record further shows that the applicant had previously remained in custody and faced investigation; however, no recovery was effected from him or at his instance. The applicant has no previous criminal record, except mere allegation of the complainant that he is a habitual offender, which is not supported by any material on record. In such circumstances, it appears that due to neighbourhood enmity, the possibility of false implication cannot be ruled out. As regards the contention of the learned Prosecutor and learned counsel for the complainant that the applicant remained absconding, it has been explained that the applicant could not appear before the Court due to his illness, namely dengue fever. It is well settled that pre-arrest bail, though an extraordinary relief, can be granted in appropriate cases to protect an accused from mala fide arrest or abuse of the process of law. Mere absconsion, by itself, is not sufficient to deny bail where the case otherwise merits consideration on its facts. In this regard learned counsel for the applicant also placed reliance on Criminal Petition No. 12-K/2026, wherein it has been observed that abscondence alone is not a ground to refuse bail if the accused is otherwise entitled to such relief. It is further

noted that the challan has already been submitted and the case is now ripe for trial; thus, the applicant is no longer required for any further investigation. In view of the above circumstances, the applicant has made out a case for confirmation of pre-arrest bail. Consequently, the interim pre-arrest bail already granted to the applicant vide order dated 19.02.2026, is hereby confirmed on the same terms and conditions.

6. 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

