

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2540 of 2025

Applicant : Nisar Ahmed
son of Shareef
Through Mr. Muhammad Yousuf,
advocate

Complainant : Saeed Ali
son of Shahid Ali
Through Mr. Khalid Rashid advocate

The State : The State:
Through Ms. Seema Zaidi,
Addl. P. G. Sindh

Date of hearing : 14.05.2026.

Date of Order : 14.05.2026.

ORDER

Jan Ali Junejo, J:-- Through this order, I intend to decide the instant post-arrest bail application filed under Section 497 Cr.P.C. by the applicant Nisar Ahmed son of Shareef, who seeks his release on bail in connection with FIR No.476 of 2024 registered at Police Station Nazimabad, Karachi for the offences punishable under Sections 397/395/34 PPC. The applicant has approached this Court being aggrieved by the order dated 04.09.2025 passed by the learned Additional Sessions Judge-VII/MCTC-02, Karachi Central whereby his second bail application was declined.

2. Briefly stated, the prosecution case as reflected in the FIR is that the complainant is employed as Manager at D-2 Filling Station, Service No. 272, F.C. Area, Karachi. He alleged that on 28.10.2024, while he, alongwith Cashier Rano Mal son of Marho was proceeding towards Meezan Bank Limited, Nazimabad No. 3 carrying the cash amount of the aforesaid filling station on motorcycle bearing registration No. KQH-7160, at about 11:10 a.m., upon reaching the service road near Fine CNG Pump, Nazimabad No. 4, four unknown persons wearing shalwar qameez and riding two motorcycles came

from behind and intercepted them. One of the accused persons allegedly took out a pistol, chambered the same, and snatched a grey school bag from the cashier, which contained cash amounting to Rs.43,00,000/-, and thereafter all the accused fled away while extending life threats. The complainant further alleged that he can identify the accused persons if brought before him. The incident was also witnessed by nearby persons. He immediately informed the police and subsequently appeared at the police station to lodge the present complaint against the aforesaid persons for taking away the cash amount at gunpoint and extending threats, and sought legal action against them, hence this FIR.

3. Learned counsel for the applicant contended that the applicant is innocent and has falsely been implicated with mala fide intention, as neither any role has been attributed to him nor any recovery was effected from his possession. He argued that the complainant and witness Rano Mal falsely involved the applicant to remove him from service for personal reasons. It was further submitted that Section 395 PPC has wrongly been incorporated in the challan without sufficient material, although the FIR itself reflects involvement of four persons only, thus making the case one of further inquiry. Learned counsel further argued that, as per statements recorded under Section 161 Cr.P.C., the applicant was present at the filling station on duty at the relevant time, while the identification parade was conducted after an unexplained delay of fourteen days despite the complainant already knowing the applicant, thereby rendering the same doubtful. He further contended that no independent witness from the place of incident was associated in the investigation and that the FIR, statements under Section 161 Cr.P.C., and mashirnama are silent regarding denomination of the alleged snatched currency notes. Lastly, it was argued that the investigation has been completed, the applicant is no longer required for further investigation, and he has remained behind bars since 13.11.2024, while the trial has not progressed due

to non-availability of witnesses; therefore, prayed that the applicant may be admitted to bail.

4. Conversely, the learned APG assisted by learned counsel for the complainant opposes the bail application. They submit that the applicant is involved in a heinous offence and from his possession partial robbed amount of the complainant has been recovered; that sufficient evidence is available with the prosecution to connect the applicant with the commission of alleged offence; hence, they are not entitled to the concession of bail.

5. This Court has given anxious consideration to the submissions advanced on behalf of the parties and has examined the record with utmost care. On a tentative assessment of the material available on record, it appears that the alleged F.I.R. was lodged by the complainant on 28.10.2024 at 1205 hours regarding the robbery of cash amounting to Rs.43,00,000/-. The applicant was arrested on 13.11.2024, and a partial robbed amount was allegedly recovered from his possession. The applicant was also identified by the complainant, against whom no previous enmity has been alleged. The prosecution witnesses, in their statements recorded under Section 161 Cr.P.C., have fully implicated the applicant in the commission of the alleged offence. The plea of the applicant regarding his false implication on account of mala fide on the part of witness Rano Mal, who allegedly intended to remove the applicant from service in order to secure the said employment for his relative, is a defence plea which cannot be conclusively examined at this stage without deeper appreciation of evidence, as the same falls beyond the scope of tentative assessment.

6. It may be observed that the offences like robbery/dacoity are frequently reported to have been committed without any restriction in urban and rural areas, which are not only creating scare among the people but ruining the safety of the life and property of law

abiding citizens and also generating sense of insecurity amongst public at large.

7. For the reasons recorded above, this Criminal Bail Application filed on behalf of the Applicant is dismissed. The observations herein are tentative and confined to the decision of bail. The trial Court shall not be influenced thereby and shall adjudicate strictly on the evidence led before it.

JUDGE