

IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No.874 of 2026

Cr. Bail Application No.865 of 2026

Applicants : i. Muhammad Kashif s/o Abdul Kareem
Through Mr. Raham Ali Rind, Advocate

ii. Umar Ali son of Habibullah
Through Mr. Muhammad Moosa
Advocate

Respondent : The State
Through Zahoor Ahmed Shah, APG

Date of hearing : 23.04.2026
Date of order : 23.04.2026

ORDER

MIRAN MUHAMMAD SHAH, J:- This order disposes of the two captioned criminal bail applications filed by applicants Muhammad Kashif son of Abdul Kareem and Umar Ali son of Habibullah, seeking post-arrest bail arising out of the same crime, i.e., Crime No. 210/2026, registered at Police Station Steel Town, Karachi, under Sections 413, 380, and 34 PPC. Therefore, for the sake of convenience, consistency, and to avoid conflicting findings, both applications are being decided through this single consolidated order. The earlier bail applications filed by the applicants for the same relief were dismissed vide orders dated 11.03.2026, passed by the learned Additional Sessions Judge-I/MCTC, Malir, Karachi.

2. The facts of the case, for the purpose of deciding the present bail applications, are that the police of police station steel Town on spy information intercepted one Corolla car and arrested both the applicants/accused, whereas one of co-accused escaped away. The police recovered copper weighing 70 kilograms along with the car which is allegedly involved in another case.

3. Heard learned counsel for the applicants, learned DPG, and perused the available record.

4. As per the prosecution case, the applicants were allegedly arrested by the police, who were found in possession of copper claimed to be stolen property of Pakistan Steel Mills. However, no official from Pakistan Steel Mills has come forward to lodge any complaint regarding the alleged theft. The case of the prosecution primarily rests upon the statement of a chowkidar, who has asserted that the recovered copper belonged to the Steel Mills. In the absence of any formal complaint or ownership verification from the concerned department, it prima facie remains to be determined whether the offences under the relevant provisions of the Pakistan Penal Code are attracted. At this stage, the Court is not required to conduct a deeper appreciation of evidence. The veracity or otherwise of the prosecution version shall be determined during trial after recording evidence. However, for the purpose of bail, it is settled law that where there exist reasonable grounds for further inquiry within the meaning of Section 497(2), Cr.P.C., the accused is entitled to the concession of bail. Admittedly, the offence under Section 380 PPC does not fall within the prohibitory clause of Section 497, Cr.P.C. As regards Section 413 PPC, the same relates to habitual dealing in stolen property, which requires strict proof of continuity and prior conduct; its applicability, in the present case, is a matter to be established during trial. At this juncture, there is no material on record to prima facie establish that the applicants are habitual offenders within the contemplation of Section 413 PPC. Furthermore, the investigation has already been completed and challan has been submitted; therefore, the applicants are no longer required for further investigation. No exceptional circumstances have been shown which would justify the continued detention of the applicants. In view of the above, both bail

applications are allowed. The applicants are admitted to bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) each, and P.R., bonds in the like amount, to the satisfaction of the learned trial Court.

5. Needless to mention here that the observations made herein above are tentative in nature and would not influence the trial court while deciding the case of the applicants on merits.

Office is directed to place assigned copy of this order in the captioned connected matter.

JUDGE

Suleman Khan/PA

