

**IN THE HIGH COURT OF SINDH KARACHI**  
**Cr. Bail Application No.2294 of 2025**

Applicant : Mustafa son of Qahir  
Through Mr. Saifullah Afridi, Advocate

Complainant : Sameer  
Through Mr. Muhammad Iqrar, Advocate

Respondent : The State  
Through Ms. Robina DPG

Date of hearing : 20.04.2026  
Date of order : 20.04.2026

**ORDER**

**MIRAN MUHAMMAD SHAH, J:-** Through captioned criminal bail application, the applicant/accused Mustafa son of Qahir, seeks pre-arrest bail in Crime No.384 of 2025, registered under section 395, 397, 377 and 511 PPC, at Police Station Peerabad, Karachi West. His earlier application for the same relief was dismissed, vide order dated 30.08.2025, by the learned Additional Sessions Judge-X, Karachi West. He was admitted to interim pre-arrest bail by this court, vide order dated 04.09.2025, and the matter is now fixed for confirmation of the same 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. At the very outset, it is pertinent to note that the complainant in the present case is a minor; however, in order to lodge the FIR, he fraudulently used the CNIC of another person, namely Muhammad Khan. Subsequently, the said Muhammad Khan submitted a sworn affidavit, available on page 45 of the case file, wherein he categorically stated that

the alleged amount, for which the complainant Sameer had lodged the FIR, was later found beneath the bedding. He further deposed that Sameer, who is employed as a labourer under him, had lodged the FIR due to fear and misunderstanding. He has now expressly stated that he has no claim against the applicant and has requested for cancellation of the case. Learned counsel for the complainant appears confused about this case and has failed to assist the Court. Likewise, learned DPG has also been unable to support the prosecution's case on legal or factual grounds. It is an unfortunate aspect of this case that the FIR was lodged on the directions of the Ex-Officio Justice of Peace under Sections 22-A & 22-B Cr.P.C., without proper satisfaction regarding the existence of a cognizable offence. It is settled law that police are not bound to register an FIR unless the commission of a cognizable offence is prima facie made out. Such practices unnecessarily burden the criminal justice system and divert police resources from genuine cases. Furthermore, the Investigating Officer has already recommended disposal of the case under "C" class, indicating that the matter is either false or based on mistake. However, the learned Magistrate disagreed with the said opinion and took cognizance of the matter. In these circumstances, the case squarely falls within the ambit of "further inquiry" as contemplated under Section 497(2) Cr.P.C. It is also noteworthy that the case has already been challaned, the applicant is no longer required for any further investigation, and he has been regularly attending the Court. There is nothing on record to suggest that the applicant has misused the concession of interim pre-arrest bail or attempted to interfere with the prosecution evidence. In view of the above facts and circumstances, the applicant has successfully made out a case for confirmation of pre-arrest bail. Accordingly, the interim pre-arrest bail already granted to the applicant is hereby confirmed on the same terms and conditions.

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

