

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.970 of 2026

Applicant : Muhammad Nadeem
son of Muhammad Siddique
Through Mr. Ahmed Ali advocate

Complainant : Osama Bin Omar Bewa
son of Umer
Through: Nemo

The State : The State:
Through Mr. Sharafuddin Kanhar,
A. P. G. Sindh

Date of hearing : 21.05.2026.

Date of Order : 21.05.2026.

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 Muhammad Nadeem son of Muhammad Siddique, who seeks his release on bail in connection with FIR No.327 of 2025 registered at Police Station Preedy, Karachi for the offences punishable under Sections 397/34 PPC. The applicant has approached this Court being aggrieved by the order dated 07.01.2026 passed by the learned Additional Sessions Judge-X, Karachi South whereby his bail application was declined.

2. Briefly stated, the prosecution case as reflected in the FIR is that the complainant is employed with a private organization. On 28.05.2025, he was travelling on his motorcycle bearing Registration No. KQZ-5241, Make CH-125 Gold, red in colour, Engine No. Y233946 and Chassis No. EG23380, along with his friend Zeeshan Haq from the address mentioned in Column No. 3. Suddenly, three unknown persons, aged about 24/25 years, wearing shirts and trousers and riding two 125 motorcycles, intercepted them and, at gunpoint, snatched his motorcycle, a pair of AirPods, and from his friend a Samsung A55 mobile phone containing SIM Nos. 03152908277 and 03333687930, the IMEI number of which was not available at that time. The accused persons also snatched cash amounting to Rs. 80,000/- and the complainant's original CNIC, and

thereafter fled from the scene. The complainant stated that he would be able to identify the culprits if produced before him. He thereafter came to the police station to lodge his report and requested that legal action be taken against the unknown persons who had snatched the aforesaid articles from him and his friend at gunpoint, hence this FIR.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case by the police officials due to mala fide intentions and ulterior motives. He submits that the applicant was neither nominated in the F.I.R. nor is there any sufficient incriminating material available on record to connect him with the commission of the alleged offence. He further argues that the applicant was not present at the place of occurrence at the relevant time and that no robbed or incriminating article has been recovered from his possession, rendering the prosecution story doubtful. Learned counsel maintains that not a single piece of evidence mentioned in the F.I.R. has been recovered from the applicant and that despite the incident having allegedly occurred in a thickly populated area covered by CCTV cameras, the Investigating Officer failed to collect any CCTV footage or other material to establish the applicant's involvement. He further submits that no independent witness from the locality has been associated with the investigation and that the witnesses cited by the prosecution are employees of the complainant, thus making their testimony interested in nature. Learned counsel also contends that the physical appearance, build, dress, and other characteristics of the applicant do not correspond with the description of the culprits as narrated in the F.I.R. He points out that the applicant was initially arrested in Crime No. 347/2025 of Police Station Preedy, Karachi, and was subsequently implicated in the present case, while in the said crime he has already been granted bail by the learned District and Sessions Judge, Karachi, vide Bail Application No. 3461/2025, through order dated 02.10.2025. He further argues that the investigation has been completed and the applicant is no longer required for any investigative purpose; therefore, his further detention would serve no useful purpose. Lastly, learned counsel submits that the maximum punishment provided for the alleged offence is up to seven years and, therefore, the case does not fall within the ambit of the prohibitory clause. He also places reliance upon Articles 38 and 39 of the Qanun-e-Shahadat

Order, 1984, contending that any confession allegedly made while in police custody is inadmissible in evidence and cannot be relied upon against the applicant; therefore, prayed that the applicant may be admitted to bail.

4. Conversely, learned APG opposed the grant of bail and argued that sufficient material is available to connect the applicant with the offence; that he was identified by the complainant during identification parade held before the concerned Magistrate; that the offence falls within the prohibitory clause of Section 497 Cr.P.C. as it involves use of deadly weapon under Section 397 PPC; and that the earlier bail order having been dismissed on merits attained finality.

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 applicant was identified by the complainant, against whom no previous enmity has been alleged. The offence charged against the applicant under Sections 397, P.P.C. is of a heinous nature, carrying severe punishment, which necessitates cautious consideration before granting bail. The learned counsel for the applicant has argued that the case does not fall within the prohibitory clause of Section 497(1) Cr.P.C., warranting bail as a matter of right. However, the Hon'ble Supreme Court of Pakistan in *Shameel Ahmed v. The State* (2009 SCMR 174) has categorically held that bail in cases not falling within the prohibitory clause is not a rule of universal application and that each case must be examined on its own facts and circumstances. Similarly, in *Afzaal Ahmed v. The State* (2003 SCMR 573), it was held that the mere fact that an offense does not fall within the prohibitory clause does not automatically render it bailable, and the Court retains discretion in granting bail based on established legal principles. Additionally, the Hon'ble Supreme Court in *Mehboob-ulHassan v. The State* (1995 SCMR 1013) upheld the denial of bail to an accused correctly identified in an identification parade. Likewise, in the case of *Muhammad Shoaib v. The State* (2018 YLR Note 120), this Court held as follows: "After his arrest identification parade of the applicant was held through PW Muhammad Ali, who correctly identified the applicant during identification parade and stated that on 20.10.2015 at about 9:30 the accused

was coming from back door of the house of Chaudhry Akhtar at PIB Colony, which is in corroboration with the statement of said PW Muhammad Ali recorded under section 161, Cr.P.C. wherein he has stated that he has seen the accused while escaping from back door of the house of the complainant”.

7. Considering the strong prima facie evidence against the applicant, including his identification in the identification parade and the presence of corroborative witness testimony, I do not find any reasonable grounds to treat this case as one warranting “further inquiry” under Section 497(2) Cr.P.C. The seriousness of the allegations and the potential punishment also negate any presumption in favor of bail. Thus, the Applicant is not entitled for grant of bail at this stage.

8. In light of the foregoing reasons, the present bail application filed on behalf of the Applicant, being devoid of substantive merit, is hereby dismissed. It is further clarified that the observations made herein are confined solely to the adjudication of this bail application and shall not prejudice or influence the merits of the case during the trial proceedings.

These are the reasons of short order dated 21.05.2026.

JUDGE