

# IN THE HIGH COURT OF SINDH AT KARACHI

## **Criminal Bail Application No. 2931 of 2025**

Applicant : Hamza Bilal  
son of Muhammad Ramzan  
Through Mr. Saeed uz Zaman  
advocate

Complainant : Tanveer Ahmd  
son of Abdul Ghafoor  
Through Mr. Waqar Alam Abbasi

The State : The State:  
Through Mr. Muhammad Noonari,  
D. P. G. Sindh

Date of hearing : 03.06.2026.

Date of Order : 03.06.2026.

## 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 Hamza Bilal son of Muhammad Ramzan, who seeks his release on bail in connection with FIR No.130 of 2025 registered at Police Station Baldia Town, Karachi for the offences punishable under Sections 397/34 PPC. The applicant has approached this Court being aggrieved by the order dated 17.10.2025 passed by the learned Additional Sessions Judge-VII, Karachi West whereby his bail application was declined.

2. Briefly stated, the prosecution case as reflected in the FIR is that the complainant Tanveer Ahmed son of Abdul Ghafoor resident of House No. 61, Street No. 10, Sector-1, Naval Colony, Haroon Bahria Housing Society, Karachi and employed in private service was proceeding to Sher Shah for work when he stopped his motorcycle to attend a call on his mobile phone. At about 1:35 a.m., two persons riding on a motorcycle approached him and stopped in front of him. The rider allegedly pointed a pistol at the complainant, threatened to kill him and demanded all valuables in his possession. Meanwhile, the pillion rider snatched the complainant's mobile phone and ordered him to get off his motorcycle. The complainant handed over his purse, whereupon a police mobile arrived at the scene.

Taking advantage of the situation, the complainant apprehended one of the culprits and raised alarm, while the other accused managed to escape. The police immediately intervened and arrested the apprehended person, who disclosed his name as Hamza Bilal son of Muhammad Ramzan and identified his absconding accomplice as Ali Raza alias Chaudhary. In the presence of the complainant, the police recovered the complainant's brown-coloured purse containing Rs. 2,510/-, various visiting cards, and a black touchscreen mobile phone from the possession of the arrested accused. The accused was searched, but no further incriminating article was recovered. Thereafter, the complainant along with the arrested accused proceeded to the police station and lodged the FIR against the arrested accused and his absconding accomplice, hence this FIR.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case, as no such incident ever took place and the entire prosecution story has been concocted by the police officials due to mala fide intentions and ulterior motives. He contends that the applicant had previously been involved in another criminal case, FIR No. 139/2025 of Police Station Saeedabad, under Sections 382, 324 and 34 PPC, and on account of such previous litigation, the police officials, in collusion with interested persons, engineered the present case to victimise him. Learned counsel further submits that undue influence was exerted by certain interested persons, including the sister of the complainant, who is an advocate, resulting in the registration of a false FIR against the applicant. He argues that when the applicant was produced before the learned Judicial Magistrate for remand, he was allegedly subjected to physical assault by certain persons, placing his safety and life at risk, whereupon applications were submitted before the learned Judicial Magistrate as well as the learned District & Sessions Judge seeking appropriate relief and transfer of proceedings, which circumstances lend support to the defence version. Learned counsel further contends that there is no independent or reliable evidence connecting the applicant with the alleged offence, that the Investigating Officer is acting under external influence and pressure, and that the prosecution has failed to obtain or place on record any location data of either the complainant or the applicant to establish their presence at the alleged place of occurrence. He further submits that no incriminating

article has been recovered from the applicant and the alleged recovery has been foisted upon him. According to learned counsel, the material available on record is insufficient to connect the applicant with the commission of the alleged offence and the case, at the very least, calls for further inquiry; therefore, prayed that the applicant may be admitted to bail.

4. Conversely, the learned DPG assisted by learned counsel for the complainant opposes the bail application. He submits that the applicant is involved in a heinous offence and from his possession robbed articles 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, he is 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 applicant was arrested on the spot and robbed articles were recovered from his possession. 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.

7. Considering the strong prima facie evidence against the applicant, including recovery of robbed articles from his possession 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.

**JUDGE**