

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.644 of 2026

Applicants : Bilal Ahmed & Munir Ahmed,
Through Mr. Rasheed Ashraf,
advocate

Complainant : Abdul Rehman through Mr. Munir
Ahmed Gilal, Advocate

The State : The State through Mr. Sharaf-ud-Din
Kanhar, A.P.G., Sindh

Date of hearing : 25.05.2026

Date of Order : 25.05.2026

ORDER

Jan Ali Junejo, J:-- Through this order, I intend to decide the instant application for post-arrest bail preferred by the applicants, Bilal Ahmed and Munir Ahmed, in connection with Crime No. 482 of 2025 registered at Police Station Gadap City, Karachi, for offences punishable under Sections 392 and 397 of the Pakistan Penal Code. It is noted that the applicants had earlier filed Criminal Bail Application No. 4591 of 2025, which was dismissed by the learned VIIIth Additional Sessions Judge, Malir, Karachi, vide order dated 23.10.2025.

2. Briefly stated, the prosecution case as set out in the FIR is that complainant Abdul Rehman, a Software Engineer by profession, alleged that on 28.06.2025 while travelling along with his family members from Karachi to Hyderabad in his vehicle near the main gate of Bahria Town on Super Highway, four unknown persons riding two motorcycles intercepted them. It is alleged that two of them, armed with weapons, robbed the complainant and his family

members of various mobile phones, purses containing CNICs, ATM cards, cash amounting to Rs.25,000/-, wrist watches, earbuds, and artificial jewellery and thereafter fled away. The FIR was lodged on 29.06.2025 against four unknown accused persons. Subsequently, the present applicants were arrested and certain articles were allegedly recovered from their possession.

3. Learned counsel for the applicants submits that the applicants are innocent and have falsely been implicated in the present case. He contends that the FIR was lodged against unknown persons and the names of the applicants do not transpire therein. According to him, no identification parade was ever conducted in accordance with law to connect the applicants with the commission of the alleged offence. Learned counsel further argues that the applicants were arrested on spy information from a public place and no independent private mashir was associated despite availability of such witnesses. He further submits that there are material discrepancies between the robbed property mentioned in the FIR and the property allegedly recovered from the applicants; that only a small portion of the alleged cash amount was recovered and several major articles allegedly robbed were never recovered. He argues that the provisions of Section 397 PPC are not attracted in the facts of the case and that the matter requires further inquiry within the meaning of Section 497(2), Cr.P.C. He lastly submits that the applicants have remained behind bars for a considerable period and the trial is not likely to conclude in the near future. He prays for grant of post-arrest bail.

4. Conversely, learned counsel for the complainant has vehemently opposed the bail application. He submits that the complainant identified the applicants at the time of their arrest and some of the robbed articles were recovered from their possession. According to him, the recovery of stolen property constitutes strong incriminating evidence connecting the applicants with the commission of the offence. He further contends that the offence is serious in nature involving armed robbery and, therefore, the applicants do not deserve the concession of bail. He prays for dismissal of the bail application.

5. Learned A.P.G. appearing for the State has also opposed the application and adopted the arguments advanced by learned counsel for the complainant. He submits that sufficient material is available on record connecting the applicants with the alleged offence; that recovery of case property was effected from their possession and that the applicants were rightly challaned by the investigating agency. He therefore prays that the bail application be dismissed.

6. I have heard learned counsel for the parties at considerable length and have examined the available record with their able assistance. A tentative assessment of the record reflects that the FIR was lodged against four unknown persons. Admittedly, neither the names nor any definite description capable of identifying the present applicants was disclosed in the FIR. The prosecution case reveals that the applicants were subsequently arrested on the basis

of spy information allegedly received by the police during investigation. It further appears that no test identification parade was conducted before a Magistrate after the arrest of the applicants. The absence of such identification proceedings assumes significance where the FIR itself was registered against unknown persons and the identity of the culprits was not known to the complainant at the time of occurrence. It is also noticeable from the record that the arrest and recovery proceedings allegedly took place at a public place, namely Taj Hotel near Ansari Bridge, Kathore. Despite availability of independent persons, no private mashir was associated with the proceedings. The recovery memos have been witnessed only by police officials and persons associated with the complainant side. The evidentiary value and genuineness of such recoveries would ultimately be determined by the trial Court after recording evidence.

7. Further, the alleged recoveries do not completely correspond with the articles stated to have been robbed in the FIR. The FIR mentions several mobile phones, purses, documents, wrist watches, earbuds and cash amounting to Rs.25,000/-. However, only some articles and a comparatively small amount of cash were allegedly recovered from the applicants. Whether such recoveries are sufficient to connect the applicants with the commission of the offence is a matter requiring deeper appreciation of evidence, which can only be undertaken during trial.

8. Another aspect which cannot be ignored at this stage is that the FIR was lodged with some delay after the occurrence. Though

such delay by itself may not be sufficient to discard the prosecution case altogether, yet it is a circumstance which may be taken into consideration while tentatively assessing whether the case calls for further inquiry.

9. At this stage, without embarking upon a detailed examination of the merits of the prosecution case, the material available on record prima facie suggests that the alleged involvement of the applicants calls for further inquiry and a deeper appreciation of the evidence, which can only be undertaken at the trial. The questions relating to identification of the applicants, legality and evidentiary value of the recoveries, and their nexus with the alleged offence are matters which require determination during trial. The applicants have remained in custody for a considerable period and there is nothing on record to suggest that the trial is likely to conclude in the immediate future. In these circumstances, and keeping in view the settled principle that any doubt or infirmity creating a need for further inquiry would enure to the benefit of an accused at the bail stage, I am of the tentative view that the case of the applicants falls within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C.

10. For the foregoing reasons, the instant bail application is allowed. The applicants namely Bilal Ahmed son of Nazeer Ahmed and Munir Ahmed son of Nazeer Ahmed are admitted to post-arrest bail in Crime No.482 of 2025 registered under Sections 392/397 PPC at Police Station Gadap City, Karachi, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each

and a P.R. bond in the like amount to the satisfaction of the learned trial Court. It is clarified that the observations made hereinabove are tentative in nature and shall not prejudice the final outcome of the trial. These are the detailed reasons of the Short Order dated: 25-05-2026.

JUDGE