

# IN THE HIGH COURT OF SINDH AT KARACHI

**Criminal Bail Application No.1382 of 2026**

**a/w**

**Criminal Bail Application No.722 of 2026**

Applicant : Nabi Bux  
[in Cr. Bail Appln No.1382/2026] son of Dhani Bux  
Through Syed Dilshad Shah,  
advocate

Applicant : Aamir  
[in Cr. Bail Appln No.722/2026] son of Ameer Hassan  
Through Mr. Abdul Ghaffar Shar,  
advocate

Complainant : Azmatullah  
son of Akbar Ali  
Through: Nemo

The State : The State:  
Through Mr. Muhammad Mohsin,  
A. P. G. Sindh

Date of hearing : 15.06.2026.

Date of Order : 15.06.2026.

## ORDER

**Jan Ali Junejo, J.-** By this common order, I intend to decide the above captioned bail applications, as they arise out of same incident, filed under Section 497 Cr.P.C. by the applicant Nabi Bux son of Dhani Bux [in Cr. B. A No.1382/2026 and Aamir son of Ameer Hassan [in Cr. B. A No. 722/2026], who seek their release on bail in connection with FIR No.297 of 2026 registered at Police Station Shah Latif Town, Karachi for the offences punishable under Sections 395 PPC. The applicants have approached this Court being aggrieved by the order dated 04.05.2026 & 03.03.2026, respectively, passed by the learned Additional Sessions Judge-II, Malir at Karachi whereby their bail applications were declined.

2. Briefly stated, the prosecution case, as reflected in the FIR, is that the complainant, Azmatullah, residing at the address mentioned in Column No. 2 and working as a driver, stated that on 08.02.2026, after

attending a wedding ceremony, he was returning to his home and, at about 11:30 p.m., when he reached National Road, Razzaqabad, near the SLT Training Center, five unknown persons riding two motorcycles intercepted him and, at gunpoint, snatched cash amounting to Rs.40,000/- along with two mobile phones, namely, a Plus 7 Pro bearing SIM No. 0332114921 and IMEI Nos. 55911752938562/355911752938554, and an A54 ZTE Blade bearing IMEI Nos. 8627600675513/862760067555605 without a SIM card, and thereafter fled from the scene; despite making his best efforts to trace the culprits, he could not find them. The complainant further stated that he could identify the accused persons if produced before him and, after consultation, lodged the instant report against the said five unknown persons for snatching his cash and mobile phones at gunpoint, hence this FIR.

3. Learned counsel for the applicant in Cr. B. A No.1382/2026 submits that the applicant is innocent and has been falsely implicated in the present case due to mala fide intentions and in collusion with the police, while the impugned order dated 04.05.2026 has been passed without proper appreciation of the facts and material available on record, rendering the same unsustainable in law. He contends that the complainant has already filed a no-objection affidavit in favour of the applicant; that although the FIR was lodged against five unknown persons, the police submitted the challan against seven accused persons, creating a material contradiction which renders the prosecution case doubtful and calls for further inquiry within the meaning of Section 497(2), Cr.P.C. Learned counsel further argues that the applicant was neither nominated in the FIR nor subjected to any identification parade, no specific role has been attributed to him, and nothing incriminating has been recovered from his possession. He submits that the alleged occurrence took place on 08.02.2026, whereas the FIR was registered after an unexplained delay of five days, which further weakens the prosecution case. It is also argued that no independent witness has been associated despite the place of occurrence being a populated area and situated near Police Headquarters Razzaqabad. According to the learned counsel, the case against the applicant rests upon an alleged extra-judicial confession, which is inadmissible and carries no evidentiary value. He further contends that the applicant was forcibly taken away from his house by the

police and, upon refusal to meet their unlawful demands, was falsely implicated in the present case. Learned counsel also submits that a co-accused, namely Ali Hassan son of Ghulam Hussain, has already been granted bail in Cr. Bail Application No. 1105 of 2026 and, therefore, the applicant is entitled to the rule of consistency. He further argues that the applicant is not a previous convict or hardened criminal, the challan has already been submitted, and his further detention would serve no useful purpose as he is no longer required for investigation. Lastly, learned counsel submits that the alleged offence does not fall within the prohibitory clause of Section 497, Cr.P.C., and, in view of the settled principles of law, the presumption of innocence, and the circumstances creating reasonable doubt in the prosecution case, the applicant is entitled to the concession of bail; therefore, prayed that the applicant may be admitted to bail.

4. Learned counsel for the applicant in Cr. Bail Application No. 722 of 2026 submits that the applicant is innocent and has been falsely implicated in the present case by the police with mala fide intentions and ulterior motives. He contends that the alleged incident took place on 08.02.2026, whereas the FIR was lodged on 13.02.2026 after an unexplained delay of five days, which renders the prosecution case doubtful and entitles the applicant to the benefit of such doubt even at the bail stage. Learned counsel further submits that the applicant was not nominated in the FIR and has been involved in the case by the Investigating Officer without any reliable evidence. It is argued that the alleged arrest, identification parade, and subsequent booking of the applicant are highly doubtful, as he was allegedly picked up from his house by the police on 12.02.2026, whereupon his mother immediately moved applications before the SSP Malir and other authorities and also filed Criminal Petition No. 678 of 2026 before the learned Additional District & Sessions Judge, Malir. Despite such prior complaints, the applicant was formally shown arrested in the present and connected cases on 13.02.2026, his photographs were allegedly circulated by the police on social media on 14.02.2026, and thereafter he was produced for identification after a lapse of four days, rendering the identification proceedings doubtful. Learned counsel further argues that no incriminating article was recovered from the possession of the applicant and the alleged recovery has been foisted upon

him merely to strengthen the prosecution case. He also submits that the applicant was illegally detained by the police, who allegedly demanded illegal gratification and, upon refusal, falsely implicated him in the present and connected cases. Learned counsel points out that co-accused Ali Hassan has already been granted bail vide Cr. Bail Application No. 1105 of 2026 by the learned IInd Additional Sessions Judge, Malir, Karachi, and, therefore, the applicant is entitled to the concession of bail on the rule of consistency. It is further submitted that the applicant has already been granted bail in all connected cases and is suffering from serious injuries allegedly sustained during a fake police encounter, making his continued detention hazardous to his health and life. Learned counsel also contends that no independent witness has been cited or associated with the investigation despite the alleged place of occurrence being a thickly populated area, thereby creating serious doubts in the prosecution story. He submits that the alleged offences do not fall within the prohibitory clause of Section 497, Cr.P.C., that the applicant is neither a hardened criminal nor likely to abscond, and that there are no reasonable grounds to believe that he has committed the alleged offence. Lastly, learned counsel argues that the presumption of innocence remains attached to the applicant until proven guilty, that bail is the rule and jail the exception, and that the facts and circumstances of the case call for further inquiry, thereby entitling the applicant to the concession of bail.

5. Conversely, the learned APG opposes the bail application. He submits that the applicants are 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 applicants with the commission of alleged offence; hence, they are not entitled to the concession of bail.

6. 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 applicants were identified by the complainant, against whom no previous enmity has been alleged. The prosecution witnesses, in their statements recorded under Section 161 Cr.P.C., have fully implicated the applicant in the commission of the alleged offence. The plea of the

applicants regarding their false implication on account of mala fide on the part of complainant is a defence plea which cannot be conclusively examined at this stage without deeper appreciation of evidence, as the same falls beyond the scope of tentative assessment.

7. The contention of the learned counsel for the applicants that the applicants are entitled to the concession of bail on the ground of consistency, as co-accused Ali Hassan has already been granted bail, is misconceived. It is trite law that the rule of consistency is applicable only when one person's case is at par with the accused whose post-arrest bail has been granted. In the instant case, the role attributed to co-accused Ali Hassan is clearly distinguishable from that assigned to the present applicants. Furthermore, the nature and extent of the incriminating material collected against the applicants are materially different from that gathered against co-accused Ali Hassan. As such, the case of the applicants are not at par with that of the co-accused.

8. The rule of consistency was explained by Hon'ble Apex Court in the case of Muhammad Atif v. The State (2024 SCMR 1071) in the following words:

*"7. The rule of consistency in bail matters is attracted and applied after the grant of bail to a co-accused. Grant of bail by a court considers several factors like the contents of the FIR, the incriminating material collected by the police during investigation, the past history of the accused, etc. The grounds which form the basis for the grant of bail to a co-accused is thus the benchmark for grant of bail to the accused under the rule of consistency. Therefore, the court has to assess whether the role of the accused in the FIR, examined in the background of the material collected by the Police is the same as that of the co-accused, who has been granted bail. It is this congruence in the case of the co-accused and the accused that attracts the rule of consistency."*

In light of the foregoing principles, and having found that the applicants' role and the supporting material against them are not identical to those of co-accused, the rule of consistency is not attracted in the present case. Accordingly, this contention of the learned counsel for the applicants fail.

9. It may be observed that the offences like robbery/dacoity are frequently reported to have been committed without any restriction in

urban and rural areas, which are not only creating scare among the people but ruining the safety of the life and property of law abiding citizens and also generating sense of insecurity amongst public at large.

10. For the reasons recorded above, these Criminal Bail Applications filed on behalf of the Applicants are dismissed. The observations herein are tentative and confined to the decision of bail. The trial Court shall not be influenced thereby and shall adjudicate strictly on the evidence led before it.

**JUDGE**