

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.507 of 2026

Applicant : Irfan son of Shahnawaz through
Mr. Imtiaz Hussain Bhutto Advocate

The State : Through Mr. Sharaf-u-Din Kanhar,
Assistant Prosecutor General, Sindh

Date of hearing : 25.05.2026

Date of decision : 25.05.2026

ORDER

Jan Ali Junejo, J.- This Order shall decide the post-arrest Criminal Bail Application filed by Applicant-Irfan son of Shahnawaz under Section 497, Cr.P.C., arising out of FIR No.389 of 2025, registered at Police Station Baloch Colony, Karachi, for offence punishable under Section 397, 34 PPC. The Applicant seeks bail after arrest, being aggrieved by the Order dated 02.02.2026, passed by Xth Additional Sessions Judge Karachi South, whereby, his earlier bail plea (Criminal Bail Application No.375 of 2026) was declined.

2. Briefly stated, as per the contents of the FIR, Complainant, namely, Rana Aftab ul Hassan, alleged that on 02.10.2025 at about 04:00 p.m., when he reached the Supermarket near Allama Iqbal Road, Marwat Chowk, three unknown persons riding a 70 CC motorcycle approached him, showed him a gun, and on the strength of such weapon, snatched his mobile phone (VIVO No.866897074011646), cash amounting to Rs.75,000/-, CNIC, original driving licence, and two HBL ATM cards, and fled away from the spot. The FIR was lodged against unknown persons and during the course of investigation, the present Applicant was arrested and subsequently implicated in the case.

3. Learned Counsel for the Applicant contended that the Applicant is innocent and has been falsely implicated due to prior enmity. He further argued that the Applicant was arrested in another case and subsequently shown arrested in the present case, while the identification parade was held before the Magistrate with delay and is doubtful. He emphasized that no recovery of the alleged snatched mobile phone or any incriminating

article has been effected from the possession of the Applicant and that the case rests upon weak identification evidence, thus falling within the ambit of further inquiry. He lastly prayed for grant of bail.

4. Conversely, learned Assistant Prosecutor General, Sindh opposed the bail application and contended that the Applicant has been connected with the commission of offence through a properly conducted identification parade before a Magistrate, wherein he was duly identified by the Complainant. He argued that the offence falls within the prohibitory clause, involving armed robbery, and sufficient material is available on record linking the Applicant with the crime. He further submitted that the plea of false implication and alleged defects in identification are matters of trial. He lastly prayed for dismissal of the bail application.

5. I have heard the learned Counsel for the Applicant as well as Assistant Prosecutor General, Sindh and perused the available record with their assistance.

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 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 itailable, 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 25.05.2026.

JUDGE

Qurban