

# IN THE HIGH COURT OF SINDH AT KARACHI

## **Criminal Bail Application No.1291 of 2026**

Applicant : Noman Ali,  
son of Abdul Hameed  
Through Mr. Muhammad Nasir,  
advocate

Complainant : Muhammad Usama  
Son of Muhammad Saleem  
Through; Nemo

The State : The State:  
Through M/s. Sharafuddin Kanhar,  
APG and Ms. Rukhsana Mirjat,  
ADPP.

Date of hearing : 16.06.2026.

Date of Order : 16.06.2026.

### **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 namely Noman Ali son of Abdul Hameed, who seek his release on bail in connection with FIR No.65 of 2026 registered at Police Station Liaquatabad, Karachi for the offences punishable under Sections 392, 397 and 34 PPC. The applicant has approached this Court being aggrieved by the order dated 20.04.2026 passed by the learned Additional Sessions Judge-III, Karachi Central whereby his bail application was declined.

2. Briefly stated, the prosecution case as reflected in the FIR is that the complainant Muhammad Usama residing at the address mentioned in Column No. 2, is doing business in the name of "Saleem Cold Drink" at a shop situated in the same house. On 11.02.2026 at about 1800 hours, the complainant along with his father Muhammad Saleem was present in the shop when at about the same time four unknown persons riding two motorcycles arrived and entered the shop. Two of them were armed with pistols, which they pointed at the complainant and his father, threatening to kill them, and from the cash counter, they snatched Rs. 250,000/- and fled away. It is further stated that the said persons also went to the

adjacent shop of the complainant's cousin Muhammad Ali Raza s/o Muhammad Aslam, where they found nothing and fled from the scene, hence, this FIR.

3. Learned counsel for the applicant submits that on the basis of the above allegations, the police have registered the case under Sections 392, 397, and 34, P.P.C. against unknown persons; however, the applicant/accused is innocent and has been falsely implicated in the present case with mala fide intention and ulterior motives, as he was allegedly arrested from his house on 03.04.2026, during which the police allegedly demanded illegal gratification and, upon refusal, falsely booked him in the instant case. It is further contended that no incriminating material or any recovered looted property has been secured from the possession of the applicant, who is otherwise empty-handed, and that the case of the applicant squarely falls within Sub-section (2) of Section 497, Cr.P.C. requiring further inquiry. Learned counsel submits that although the applicant was shown arrested in Crime No. 178 of 2026 under Section 23(1-A) S.A.A. on 05.04.2026 by Liaquatabad Police Station and thereafter allegedly involved in the present case on the basis of disclosure made during police custody, such disclosure is inadmissible under Articles 38 and 39 of the Qanun-e-Shahadat Order, 1984, and in that earlier case the applicant has already been granted bail by the learned Judicial Magistrate. It is further argued that the applicant was arrested on 05.04.2026 at 1230 hours and later implicated in the present case without any lawful basis, and no identification parade has been conducted before any competent authority to establish his identity or role, which renders the prosecution story doubtful. Learned counsel contends that the allegations are general in nature, no specific role has been attributed to the applicant, and there is no direct independent evidence connecting him with the commission of the offence except the interested version of the complainant and witnesses. It is further submitted that the alleged incident is stated to have occurred in a thickly populated area, yet no independent or private witness has been associated in violation of Section 103, Cr.P.C., which creates serious doubt in the prosecution case. Learned counsel further submits that neither the physical description nor the huliya of the applicant has been mentioned in the FIR, and no delay in reporting the matter has been properly explained despite the availability of public

witnesses at the spot. Reliance is placed on the law laid down by the Hon'ble Supreme Court in *Tariq Bashir v. The State* (PLD 1995 SC 34), wherein it has been held that in cases not falling within the prohibitory clause of Section 497, Cr.P.C., grant of bail is a rule and refusal an exception. It is further argued that the applicant has already been sent to judicial custody and is no longer required for further investigation, and that there exist reasonable grounds to believe that he has not committed the alleged offence, which also does not fall within the prohibitory clause of Section 497, Cr.P.C and prayed that the applicant may be admitted to bail.

4. Conversely, learned APG vehemently opposed the grant of bail and submitted that the offence involves robbery at gunpoint which is a serious offence affecting the society at large. Learned State counsel further submitted that sufficient material is available connecting him with the commission of the alleged offence. He finally prayed for dismissal of the bail application.

5. I have heard the learned counsel for the applicant as well as the learned Assistant Prosecutor General and have perused the material available on record with their able assistance. The prosecution case, as it stands, mainly rests upon an allegation of robbery at gunpoint, whereas the learned counsel for the applicant has raised several legal as well as factual aspects which prima facie require deeper appreciation at the trial stage.

6. Without dilating upon the merits of the case, it is observed that the applicant was not named in the FIR, no specific role has been attributed to him, and no identification parade has been conducted to establish his involvement. Admittedly, no recovery of any incriminating article or alleged robbed property has been effected from the possession of the applicant, which also creates a question mark on his alleged involvement. The plea of the applicant that he has been involved on the basis of disclosure while in police custody further requires consideration in light of its evidentiary value, which cannot be assessed at this stage.

7. The record further reveals that the allegations against the applicant are of a general nature and require further inquiry within the meaning of

Section 497(2), Cr.P.C. The absence of independent corroboration, non-association of private witnesses despite the alleged place of incident being a populated area, and the unexplained aspects pointed out by the learned counsel for the applicant cumulatively create reasonable doubt which, at this tentative stage, calls for further inquiry.

8. It is a settled principle of law that while deciding a bail application, deeper appreciation of evidence is neither required nor permissible, and any tentative assessment of material which creates reasonable doubt is sufficient to extend the benefit of bail. Reliance in this regard may be placed on the dictum laid down by the Hon'ble Supreme Court in *Tariq Bashir v. The State* (PLD 1995 SC 34), wherein it has been held that in cases not falling within the prohibitory clause of Section 497 Cr.P.C., grant of bail is a rule and refusal is an exception.

9. For the foregoing reasons and without touching the merits of the case, the instant bail application is allowed. The applicant namely Noman Ali son of Abdul Hameed is admitted to bail subject to his furnishing solvent surety in the sum of Rs.1,00,000/- (Rupees One Lac Only) and P.R. bond in the like amount to the satisfaction of the learned trial Court. It is, however, observed that the findings recorded herein are tentative in nature, made solely for the purpose of deciding the present bail application, and shall not prejudice the case of either party during the course of trial.

These are the detailed reasons for the Short Order dated 16.06.2026.

**JUDGE**