

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 93 of 2026

Applicant : Mohsin Ali Khan
son of Zahoor Khan
Through Syed Samiullah Shah,
advocate

Complainant : Muhammad Asif
son of Malik Abdul Ghafoor
Through: Nemo

The State : Through Mr. Mumtaz Ali Shah,
Assistant Prosecutor General Sindh

Date of hearing : 23.06.2026

Date of Order : 23.06.2026

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 Mohsin Ali Khan son of Zahoor Khan, who seeks his release on bail in connection with FIR No.1082 of 2025 registered at Police Station Shahrah-e-Faisal, Karachi for the offences punishable under Sections 397 and 34 PPC. The applicant has approached this Court being aggrieved by the order dated 10.12.2025 passed by the learned Sessions Judge, Karachi East whereby his bail application was declined.

2. Briefly stated, the prosecution case as reflected in the FIR is that the complainant Muhammad Asif resides at the address mentioned in column No.2, is privately employed, and also works part-time as a bike-hailing rider. On 10th October 2025, after dropping off a passenger near the NIPA branch, the complainant was searching for a new passenger on his motorcycle. At approximately 12:40 AM, near Lal Flats, close to the Millennium Mall on Rashid Minhas Road (Block 10-A, Gulshan-e-Iqbal), two unidentified individuals on a motorcycle approached him from

behind and signaled him to stop. Both suspects were armed. One of them dismounted from the motorcycle and at gunpoint robbed the complainant of his Realme Note 50 mobile phone, which contained SIM. The suspects then fled the scene. Following the incident, the complainant left the area and repeatedly called his phone number. Later that night, an official at the Gulshan-e-Iqbal Police Station answered the call and informed the complainant that they had arrested the two offenders, identified as Mohsin Ali son of Zahoor Khan and Ali Nawaz son of Saeed Ahmed and had successfully recovered the robbed mobile phone from their possession, hence, this FIR.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated in a highly doubtful, concocted, and afterthought case through an FIR lodged with an unexplained delay of over 24 hours despite the police station being merely 3 kilometers away. It is submitted that the applicant is not named in the FIR, no physical description of the culprits was provided, no call was made to the 15 helpline, and the essential ingredients of Section 397 PPC are completely missing as no injury or scratch was sustained by anyone from any firearm. The learned counsel further contended that the applicant was already in custody in another case when this offense was foisted upon him, rendering the alleged confession inadmissible under Article 38 of the QSO, 1984, while the subsequent implication relies solely on a weak, police-managed mobile phone recovery without an independent judicial identification parade or technical/CDR evidence. Highlighting that the applicant is a daily-wage worker, the sole breadwinner, has no prior criminal record, is not required for further investigation, and poses no risk of absconding, the counsel maintained that the lower court erred by denying bail based on generalized law-and-order observations rather than the record. Consequently, since the prosecution's case is riddled with material contradictions, misreadings, and lack of corroborative evidence, the

matter squarely falls within the ambit of "further inquiry" under Section 497(2) Cr.P.C. and prayed that the applicants may be admitted to bail.

4. Conversely, learned Assistant Prosecutor General 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 APG further submitted that the applicant has been properly identified by the complainant and therefore 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 parties and have gone through the available record with their able assistance. Admittedly, as per contents of the FIR, the culprits were unknown persons at the time of occurrence. The prosecution case is that the complainant later identified the applicant at police station at the time of registration of instant FIR. No Test Identification Parade appears to have been conducted in accordance with law to establish the identity of the applicant through a legally recognized process. The absence of such identification proceedings at the investigation stage prima facie makes the alleged identification open to further probe. It is also noticeable from the record that no robbed articles or weapon of offence has been recovered from the possession of the applicant. At this stage such circumstances tentatively create doubt with regard to the manner of implication of the applicant and require deeper appreciation of evidence which can only be undertaken at the trial. The question whether the applicant was actually involved in the occurrence or has been implicated subsequently is a matter which requires recording of evidence and full-fledged trial.

6. In the peculiar facts and circumstances of the case, the material available on record tentatively brings the case of the applicant within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C. It is settled law that where the case calls for

further inquiry into the guilt of the accused, concession of bail cannot be withheld as a matter of punishment.

7. For the foregoing reasons and without touching the merits of the case, the instant bail application is allowed. The applicant namely Mohsin Ali Khan son of Zahoor Khan is admitted to bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand 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 23.06.2026.

JUDGE