

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. BA No. 2298 of 2026

Applicant : Nisar Ahmed S/o. Jumma Khan Gadani
Through Mr. Feroz Gul Khoso, Advocate

Respondent : The State
Through Mr. Sharafuddin Kanhar, A.P.G

Complainant : Muhammad Khalid son of Zahidullah
in person,

Date of hearing : 10.08.2026.

Date of order : 10.08.2026.

ORDER

Jan Ali Junejo, J.— Applicant Nisar Ahmed son of Jumma Khan Gadani seeks post-arrest bail in a case bearing Crime No. 977/2025, for offence under section 397/34 R/w Section 412 PPC of P.S SSHIA. Karachi. Prior to this, the applicant had sought the same relief before the learned Sessions Judge, Malir at Karachi, which was declined vide order dated 21.07.2026.

2. The facts relevant to the present criminal bail application are as follows:

“The complainant along with his family resides at Karachi and is a student. On 12.08.2025, he went to attend the funeral of his maternal grandfather on his motorcycle bearing Registration No.KOU-2411, Make Super Power, Red Colour, Engine No. SP-1499809 and Chassis No. SP-1551755. He reached there at about 12:30 a.m., when a motorcycle crossed him and two young boys (Nau-Jawan) approached him. They stopped him at gunpoint and searched him. They robbed him of his wallet containing a colored copy of his CNIC, student card, Madrasa cash amounting to Rs.2,000/- and 20 Saudi Riyals, the original motorcycle Smart Card, and a Realme C17 mobile phone containing two SIMs bearing Nos. 0311-8361461 and 0320-0238824, IMEI No.1 286183204134771 and IMEI No.2 861832041341763. They also took away his motorcycle at gunpoint. Thereafter, he went to the Police Station for lodgment of FIR. He requests that legal action be taken”.

3. Per learned counsel for the applicant, applicant/accused is innocent and has been falsely implicated in the present case; that the alleged occurrence took place on 12.08.2025 whereas, the applicant was arrested on 02.07.2026, after an unexplained delay of about eleven (11) months; nothing has been recovered from the possession of the applicant/accused;

the offence in which the applicant has been charge does not fall within the prohibitory clause and urged that the applicant be extended the concession of bail.

4. The A. P. G. Sindh while not opposing the grant of bail, recorded his no objection to the instant application in view of the affidavit filed by the complainant Muhammad Khalid, same is taken on record, wherein he has expressly raised no objection to the applicant being admitted to bail.

5. Notably, the complainant has since submitted a sworn affidavit in which he has raised no objection to the grant of bail to the applicant. This has resulted in two conflicting versions, one set forth in the FIR and the other contained in the complainant's affidavit. Such divergence creates a situation where the veracity of the complainant's statements and his credibility can only be determined at the time of trial, after the recording of evidence.

6. In light of the above circumstances and keeping in view the principles laid down under Section 497(2) Cr.P.C., the applicant has succeeded in making out a case of further inquiry. Accordingly, the applicant is admitted to post-arrest bail upon furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a PR Bond in the like amount to the satisfaction of the learned trial court.

7. Before parting, it is observed that the findings recorded hereinabove are purely tentative in nature and shall not prejudice the case of either party during the course of trial. The trial Court shall evaluate the evidence independently and uninfluenced by any observation made in this order.

8. The applicant is directed to ensure regular attendance before the trial Court and shall not, in any manner, attempt to influence or interfere with the prosecution witnesses. Any violation of these conditions may entail cancellation of bail in accordance with law.

J U D G E