

# IN THE HIGH COURT OF SINDH AT KARACHI

## **Criminal Bail Application No.3447 of 2025**

Applicant : Ali Raza, Through: Mr. Muhammad Hanif Qureshi, Advocate.

Complainant : Syed Muhammad Asad Kazmi, Present in person.

The State : The State: Through: Mr. Qamar-ud-Din Nohri, Assistant Prosecutor General, Sindh

Date of hearing : 17.03.2026

Date of Order : 17.03.2026

### ORDER

**Jan Ali Junejo, J:**-- By this order, I intend to dispose of the post-arrest bail application filed by the applicant/accused Ali Raza under Section 497 Cr.P.C., arising out of FIR No.457/2025 registered under Sections 397/34 PPC at Police Station Shah Faisal Colony, Karachi. The instant application has been filed after the earlier bail application of the applicant was declined by the learned IVth Additional Sessions Judge, Karachi East vide order dated 14.10.2025.

2. Briefly stated, as per contents of the FIR, the complainant Syed Muhammad Asad Kazmi alleged that on 07.09.2025 at about 9:30 p.m., while he was standing outside his house, two unknown young persons riding a motorcycle approached him, showed him a pistol and, on the strength of such weapon, snatched his mobile phone (Realme 12+) along with SIMs and IMEI numbers 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, as he had already filed a complaint against the complainant prior to the alleged incident. He argued that there is an unexplained delay of two days in lodging the FIR, which creates doubt in the prosecution case. It was further contended that the applicant was arrested in another case and subsequently shown arrested in the present case, while the identification parade was conducted with delay and is doubtful, particularly in view of the objection raised by the applicant that he had already been shown to the complainant at the police station. 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 Deputy Prosecutor General 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. The complainant, appearing in person, also opposed the grant of bail and supported the prosecution case by submitting that the applicant is involved in the offence and has been rightly identified during the identification parade. He prayed for dismissal of the bail application.

6. I have heard the learned counsel for the parties, the complainant in person, and perused the available record with their assistance. At the outset, it is noted that the FIR was initially lodged against unknown persons, and the applicant was subsequently implicated during investigation. The aspect of identification thus assumes central importance in the present case. The record reflects that the applicant was subjected to identification parade; however, the applicant had raised objections at that stage, alleging prior exposure to the complainant at the police station. The legality and evidentiary value of such identification, in the given circumstances, cannot be conclusively assessed at this stage and requires deeper appreciation of evidence at trial.

7. It is further observed that the FIR was lodged with some delay, for which no satisfactory explanation has been furnished, which prima facie casts doubt on the spontaneity of the prosecution version and necessitates further inquiry. Moreover, admittedly, no recovery of the alleged snatched mobile phone or any direct incriminating article has been effected from the possession of the applicant. The prosecution case, thus, primarily rests on identification evidence, which by settled principle of law is a weak type of evidence unless corroborated by independent material. The

plea of previous enmity and prior complaint between the parties also requires evidence and cannot be adjudicated at this stage. Likewise, the objections raised by the applicant regarding his alleged prior exposure and arrest in another case involve factual determination, which is beyond the scope of bail proceedings. Without delving into the depth of the prosecution evidence, it is observed that the available material brings the case within the ambit of Section 497(2) Cr.P.C., warranting further inquiry.

8. For the foregoing reasons, the applicant has made out a case for grant of post-arrest bail. Consequently, the instant bail application is allowed. The applicant/accused Ali Raza is admitted to bail subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and PR bond in the like amount to the satisfaction of the learned trial Court. It is, however, clarified that all observations hereinabove are purely tentative and confined to the adjudication of the present bail application. Nothing stated in this Order shall be construed as an opinion on the merits of the case, and the trial Court shall proceed independently, uninfluenced by any observations contained herein. These are the detailed reasons for the short order dated 17.03.2026.

**JUDGE**