

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application Nos.489 & 490 of 2026

Applicant: Muhammad Yaqoob son of Nazar Muhammad through Mr. Adnan Amin, Advocate.

Respondents: The State through Mr. Muhammad Noonari, Deputy Prosecutor General Sindh a/w SIP Mashooque Ali, P.S. Sohrab Goth.

Date of hearing: 16.03.2026

Date of order: 16.03.2026

ORDER

TASNEEM SULTANA, J.— Through this common order, I propose to dispose of Criminal Bail Application Nos.489 & 490 of 2026 filed by the applicant Muhammad Yaqoob seeking post-arrest bail in FIR No.26 of 2026 registered under Sections 392, 397, 34 P.P.C. and FIR No.27 of 2026 registered under Section 23(1)(a) of the Sindh Arms Act, 2013 at Police Station Sohrab Goth, Karachi, both arising out of the same incident, the latter being consequential in nature. Earlier, his post-arrest bail applications in both the aforesaid FIRs were declined by the learned VIII-Additional Sessions Judge, Malir, Karachi vide orders dated 26.01.2026 and 06.02.2026; hence, these applications for the same concession.

2. Brief facts of the prosecution case are that on 13.01.2026 at about 2:00 p.m., the complainant Nazeer Hussain was travelling on his loading rickshaw from Jamali Goth Road towards Chatta Gabol Goth Road and, upon reaching near Chatta Gabol Goth, he was intercepted by two armed persons riding a motorcycle, who, under show of weapons, snatched cash amounting to Rs.10,000/- from his pocket. Upon resistance, a scuffle ensued between the complainant and the accused persons, during which a police patrol of Police Station Sohrab Goth reached the spot and the accused persons were apprehended. On inquiry, they disclosed their names as Muhammad Yaqoob and Abid. Upon personal search of accused Muhammad Yaqoob, one country-made pistol was allegedly recovered from the left side of his waistband along with a wallet containing cash, an ATM card, a copy of birth certificate and a mobile phone, and a bag carried by him was found to contain multiple mobile phones of different companies; whereas no robbed amount was recovered from co-accused Abid. The motorcycle in use was without number plate and, upon verification, was

found to be stolen. The accused are further alleged to have disclosed that they used to snatch and deal in stolen mobile phones through one Dilbar Khan. Consequently, the present FIR was registered, and on the basis of alleged recovery of weapon, separate FIR No.27 of 2026 under the Sindh Arms Act, 2013, was also recorded.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated; that the alleged recovery is foisted; that no independent witness has been associated with the alleged arrest and recovery despite the place of occurrence being a public place; that there are material inconsistencies regarding the timing of arrest and registration of FIR; that none of the alleged recovered mobile phones have been connected with any complainant through lawful means; that the recovery of cash is inconsequential being unmarked currency; that the entire case rests upon police officials; that the complainant had earlier lodged FIR No.351 of 2025 on similar facts at the same police station against different accused persons; and that the case of the applicant falls within the ambit of further inquiry.

4. Learned Deputy Prosecutor General, Sindh, opposes the applications; submits that the applicant was apprehended at the spot; that robbed amount and weapon were recovered from his possession; that the allegations are supported by the material available on record; and that the applicant does not deserve the concession of bail.

5. Heard. Record perused.

6. The case of the prosecution against the present applicant is that he, under show of weapon, allegedly snatched cash from the complainant and, thereafter, a scuffle took place between the complainant and the accused party, during which the police reached at the spot and apprehended the applicant, whereafter a pistol was allegedly secured from the left side of his waistband. In such circumstances, where the allegation itself is of snatching under show of weapon followed by a scuffle, the subsequent recovery of the weapon from the waistband, as alleged, gives rise to a question with regard to the manner of occurrence and arrest, which requires cautious consideration at this stage.

7. It is an admitted position that all mashirs of arrest and recovery are police officials and no independent witness has been associated, despite the alleged occurrence having taken place at a public place. In such circumstances, the absence of independent corroboration gives rise to a question requiring cautious consideration at this stage.

8. The prosecution has further alleged recovery of multiple mobile phones from the possession of the applicant; however, the record does not disclose that any of such mobile phones have been connected with any specific complainant through IMEI verification, ownership record or identification proceedings. In absence of such material, the alleged recovery gives rise to a question regarding its nexus with the present occurrence, which requires consideration at trial.

9. The prosecution version regarding arrest at the spot also requires cautious consideration. The alleged occurrence is stated to have taken place at about 2:00 p.m., whereas the FIR was recorded at about 4:30 p.m., despite the short distance between the place of occurrence and the police station and the claim of immediate apprehension of the accused at the spot. No plausible explanation for such delay is available on record. This circumstance gives rise to a question which requires consideration during trial.

10. It is also an admitted position that FIR No.27 of 2026 under the Sindh Arms Act is consequential to FIR No.26 of 2026 and is founded upon the same alleged recovery; therefore, its case is dependent upon the outcome of the principal case at this stage.

11. Another significant aspect is that the complainant had earlier lodged a similar FIR at the same police station against different accused persons on almost identical lines. The repetition of such allegations, in similar pattern, prima facie gives rise to a question with regard to the credibility of the complainant and the genuineness of the present accusation.

12. The cumulative effect of the above circumstances, particularly the absence of independent corroboration and absence of material connecting the alleged recovered articles with the present occurrence, prima facie brings the case within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C. The Honourable Supreme Court of Pakistan in the case of **Tariq Bashir v. The State (PLD 1995 SC 34)** has held that where the case of an accused calls for further inquiry, bail is to be granted and not withheld as a measure of punishment.

13. In view of the above, both the applications are allowed and the applicant is admitted to post-arrest bail in FIR No.26 of 2026 and FIR No.27 of 2026 subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) in each case and P.R. bond in the like amount to the satisfaction of the learned trial Court.

JUDGE