

IN THE HIGH COURT OF SINDH AT KARACHI**Criminal Bail Application No.1702 of 2025**

Applicant : Arbaz son of Momin Khan
through Mr. Shiraz Ahmed, Advocate.

Criminal Bail Application No.2926 of 2025

Applicant : Zia Wali son of Wali ur Rehman
through Mr. Mansoor Hussain Khoso,
Advocate.

Respondents : The State through Mr. Muhammad Noonari,
Deputy Prosecutor General Sindh.

Date of Hearing : 09.02.2026.

Date of Order : 09.02.2026.

ORDER

TASNEEM SULTANA, J.— Through this common order, I propose to dispose of Criminal Bail Application No.1702 of 2025 filed by applicant Arbaz Khan and Criminal Bail Application No.2926 of 2025 filed by applicant Zia Wali, seeking the post-arrest bail, arising out of FIR No.62 of 2024 registered at Police Station Mobina Town, Karachi East under Sections 394, 397 and 34, P.P.C. Having being rejected their earlier bail applications by the learned IInd Additional Sessions Judge, Karachi East, vide order dated 09-02-2026, hence these applications for the same concession.

2. Brief facts of the prosecution case, are that the complainant Muhammad Akram, owner of Stylo Hair Salon situated at Shop No. L-3141, Metroville-III, Block-02, Gulshan-e-Iqbal, Karachi, stated that on 19.02.2024 while his son Muhammad Riaz and workers Adnan and Muhammad Nisar Ahmed were present at the salon, three persons riding a motorcycle arrived, two of whom were armed, and at gunpoint snatched the mobile phone of worker Adnan and the mobile phone of customer Muhammad Aziz and looted cash amounting to Rs.10,000/- from the shop. When security guard Hussain Bakhsh attempted to stop them by firing in the air and closing the shutter, the accused opened fire causing bullet injury to the security guard. Two culprits escaped while firing in the air, whereas their third accomplice was apprehended by the public along with the motorcycle. On information, police from P.S. Mobina Town reached the spot, secured two empty shells of 9 mm pistol, took the apprehended accused and motorcycle bearing registration

No.KED-9716 into custody and shifted the injured guard to hospital, leading to registration of the present FIR.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated in the present case; that the F.I.R. was registered against unknown persons; that no proper or lawful identification proceedings were conducted and even otherwise the complainant during his testimony before the learned trial Court failed to identify the applicants; that the alleged identification is therefore unsafe and of no legal effect; that no specific role or overt act has been attributed to the applicants in the commission of the alleged offence; that no incriminating article has been recovered from their possession and the alleged recovery is doubtful; that the prosecution case suffers from material contradictions, particularly regarding recovery of empties and investigation proceedings; that the CCTV footage relied upon by the prosecution does not establish the identity of the applicants ; that the alleged confession before police officials is inadmissible in evidence;and that, in these circumstances, the case of the applicants falls within the ambit of further inquiry under Section 497(2), Cr.P.C. and they are entitled to the concession of post-arrest bail.

4. Learned Deputy Prosecutor General, assisted by learned counsel for the complainant, opposed the bail applications; submitted that the incident took place inside the salon during late hours; that it was a case of armed robbery in which the accused persons entered the shop snatched mobile phones and cash,the accused persons also opened fire while leaving the place of occurrence; that the statements of eye-witnesses recorded under Section 161 Cr.P.C., namely Muhammad Riaz, Adnan and Muhammad Nisar, fully supported the prosecution case; that during investigation the Investigating Officer secured empties of 9-mm pistol from the place of occurrence and also obtained CCTV footage of the incident, which forms part of the record; and that, considering the nature of the allegation, the applicants do not deserve the concession of bail.

5. Heard. Record perused.

6. The allegation against the applicants is that during late hours an incident of armed robbery took place inside a salon, where Muhammad Riaz, son of the complainant, along with Adnan and Muhammad Nisar, were present and, at gunpoint, deprived of their mobile phones and cash. It is further alleged that while making their escape, the accused persons opened fire, in consequence whereof the security guard, Hussain Bakhsh,

sustained firearm injury; two of the accused fled from the spot, whereas their third accomplice was apprehended there by the public.

7. Perusal of record further reflects that PW Muhammad Riaz, PW Adnan, PW Muhammad Nisar and PW Hussain Bakhsh, who sustained firearm injury, in their statements under Section 161 Cr.P.C., furnished a direct account of the occurrence and supported the prosecution version. The statement of PW Muhammad Riaz was also recorded under Section 164 Cr.P.C., wherein he identified applicant Zia Wali. It further appears that on the pointation of accused Zia Wali, one of the snatched mobile phones was recovered.

8. The complainant is stated to have reported the occurrence upon information and was not present at the time of the incident; therefore, his deposition with regard to identification does not materially affect the prosecution case at this stage. It further appears that during investigation the Investigating Officer secured empties of 9-mm pistol from the place of occurrence and also obtained CCTV footage of the incident, which forms part of the record.

9. At bail stage, only a tentative assessment of the material available on record is to be made without entering into deeper appreciation of evidence. The questions regarding identity of the accused and evidentiary value of the material collected are matters to be examined by the learned trial Court after recording of evidence. Considering the nature of the allegation involving armed robbery with use of firearm and the material available on record, I am of the tentative opinion that reasonable grounds exist to believe that the applicants are connected with the commission of the alleged offence; thus, the case does not fall within the ambit of further inquiry under Section 497(2), Cr.P.C.

10. Consequently, Criminal Bail Application No.1702 of 2025 and Criminal Bail Application No.2926 of 2025 were dismissed.

11. These are the reasons for the short order dated 09-02-2026.

JUDGE