

IN THE HIGH COURT OF SINDH AT KARACHI.

Cr. Bail Application No.798 of 2026

Applicant : Ahmed Ali through
Mr. Muhammad Rafique Khan, Advocate.

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

Date of hearing : 22.04.2026.

Date of order : 22.04.2026.

ORDER.

TASNEEM SULTANA, J :- Through this Criminal Bail Application, the applicant Ahmed Ali, seeks pre-arrest bail arising out of FIR No. 347/2025 registered at P.S. Model Colony, Karachi, for the offences under Sections 397/34 P.P.C. Having been rejected his earlier post-arrest bail application No. 402 of 2026 passed by the learned Vth Additional Sessions Judge\MCTC, Karachi, East, vide order dated 24.01.2026; hence this application for the same concession.

2. Brief facts of the prosecution case are that the complainant, Mubashir Shahzad, stated that on 08.10.2025 at about 07:30 AM, he along with his wife was proceeding on his motorcycle towards his in-laws' house; when he reached at Nashtarabad, Railway line near Amna Beauty Parlor, two young persons on a motorbike, who appeared to be Urdu speaking, came and stopped him. One of them showed a pistol and snatched his cell phone (Samsung Galaxy A32 IMEI No. 355870665725515, 357848355425514), and from his wife Mst. Aliza snatched one purse containing cash amount Rs.5200/-, a cell phone (Realme IMEI No. 867412043903284, 867412043903292), and a shopper containing five ladies suits, and thereafter both accused persons fled away. The complainant further stated that he can identify the culprits and requested for legal action.

3. Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case; that the FIR was registered against unknown persons and the applicant was not nominated therein; that his involvement surfaced subsequently during the course of investigation without any identification parade being conducted before a Magistrate; that no recovery of alleged robbed property or weapon has been effected from his possession; that all mashirs cited by the

prosecution are police officials despite the alleged place of occurrence being a populated area; that the applicant was already in custody in another case and thereafter his involvement in the present case has been shown; that the matter requires further inquiry within the meaning of Section 497(2) Cr.P.C.; therefore, the applicant is entitled to the concession of post-arrest bail. Learned counsel has relied upon the following case law in support of his contention.

(1) ***Muhammad Rafique v. The State (1997 SCMR 412)***

(2) ***Kashif v. Imran and another (2024 SCMR 589)***.

4. Conversely, learned Deputy Prosecutor General for the State opposed the application and submitted that the present case relates to an offence of robbery at gunpoint; that during the course of investigation the complainant identified the applicant and assigned him a specific role in his statements recorded under Section 161 Cr.P.C.; that sufficient material is available on record connecting the applicant with the commission of the alleged offence; that the record further reflects that the applicant is involved in as many as ten cases of similar nature, which prima facie shows that he is a habitual offender; therefore, he is not entitled to the concession of post-arrest bail.

5. I have heard learned counsel for the parties and perused the material available on record with their able assistance. It appears that the FIR relating to robbery of mobile phones of the complainant and his wife, one purse containing cash amount of Rs.5200/-, and a shopper containing five ladies suits, was lodged against unknown persons, which reflects absence of mala fide on the part of the complainant to falsely implicate the applicant. The record further reflects that the complainant appeared before the Investigating Officer during the course of interrogation of the applicant, who had been arrested in another case, i.e. Crime No.349 of 2025, where he identified the present applicant, whereafter his involvement in the present case was shown during investigation. The prosecution witnesses, in their statements recorded under Section 161 Cr.P.C., have attributed involvement to the applicant in the alleged offence. It is further noted from the record that the applicant is involved in as many as ten cases of similar nature, which prima facie reflects that he is a habitual offender. No enmity, ill-will or mala fide has been brought on record to suggest that the applicant has been falsely implicated in this case. The case law relied upon by learned counsel for the applicant is distinguishable on facts and does not advance his case. Accordingly, learned counsel for the applicant has failed to make

out a case for grant of bail; thus, the instant criminal bail application is dismissed.

6. Needless to observe that the observations made herein are tentative in nature and shall not prejudice the case of either party at the trial.

JUDGE

Nadeem