

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Faisal Kamal Alam
Mr. Justice Amjad Ali Sahito

Criminal Bail Application No.1774 of 2026

Applicant : Ali Zaib S/o Raza Khan
through M/s. Shamsul Hadi & Abdul
Jalil, Advocates

Respondent : The State
through Ms. Najma Latif Golo, A.P.G.
Sindh a/w PI Muhammad Suleman
Abbasi of PS Shah Latif Town

Date of hearing : 03.07.2026

Date of order : ____ .07.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.779/2025 registered under Sections 353, 324, 395, 511, 427, 224, 225, 34 PPC r/w Section 337-A(i) PPC & Section 7 ATA, 1997 of PS Shah Latif Town, after his bail plea has been declined by the learned Judge, Anti-Terrorism Court No.VI, Karachi vide order dated 02.02.2026.

2. The detailed facts of the case are already available in the bail application as well as FIR, therefore, the same need not to be reproduced hereunder.

3. Learned counsel for the applicant primarily contended that the applicant/accused is innocent and has falsely been implicated in this case; that as per contents of the FIR, no specific role has been

attributed against the applicant as to how he has shared the common intention with the other accused; that due to jolt caused by the earthquake, the applicant became frightened and fled away from District Prison, Malir; however, such act was neither intentional nor deliberate, and after the lapse of one day, he voluntarily surrendered before the Investigating Officer. Learned counsel further argued that after registration of the present FIR, the applicant has already been acquitted in the cases in which he was originally confined in prison; therefore, the question of his intentionally fleeing from lawful custody does not arise. Lastly, he prays for grant of bail. In support of his contention, learned counsel has placed digital copy of Judgment dated 04.10.2025 in Sessions Case No.1129 of 2025 passed by learned Additional Sessions Judge-VIII, Malir Karachi as well as Order dated 05.12.2025 passed in Cr. B.B.A. Nos.5287 & 5288 of 2025 passed by learned Additional Sessions Judge-VIII, Malir, Karachi.

4. Conversely, the learned Assistant Prosecutor General, Sindh, vehemently opposed the grant of bail and contended that the applicant/accused had fled away from District Prison, Malir, and was subsequently arrested by the law enforcement agencies; therefore, he is not entitled to the concession of bail.

5. We have heard the learned counsel for the parties at considerable length and have carefully examined the material available on the record.

6. From perusal of the record reveals that the applicant was initially confined in connection with FIR bearing Crime No.80 of 2025, registered under Sections 394, 397, 337-F(iii), 109 and 34, P.P.C., at Police Station Sukhan, Malir. During his incarceration

in the aforesaid case, on 03.06.2025, an earthquake occurred, resulting in panic and commotion amongst the inmates of District Prison, Malir. It is alleged that approximately 216 prisoners, including the present applicant, broke the locks of different barracks and escaped from lawful custody.

7. It is an admitted position that on the following day, the applicant again came into police custody and was remanded to judicial custody. However, according to the applicant, he voluntarily surrendered before the Investigating Officer, whereas the prosecution asserts that he was apprehended with the assistance of law enforcement agencies. At the present bail stage, such disputed questions of fact cannot be conclusively adjudicated and are matters to be determined upon recording of evidence during the trial.

8. It is also undisputed that the applicant has subsequently been acquitted in the cases in which he was originally confined. Furthermore, although the applicant has also been nominated for offences under Sections 324, 353, 395 and 34, P.P.C., no specific overt act has been attributed to him, save and except the general allegation that he escaped from prison along with other inmates. Even the contents of the FIR suggest that the incident occurred immediately after the earthquake, when panic had spread among the prisoners. Whether the applicant shared any common intention with the co-accused and the extent of his alleged involvement are questions that shall be determined by the learned trial Court after framing of charge and recording of evidence.

9. It is further pertinent to observe that the principal allegation against the applicant pertains to his escape from lawful custody, an offence punishable under Section 224, P.P.C., which provides that whoever intentionally offers resistance or illegal

obstruction to his lawful apprehension for any offence with which he is charged or of which he has been convicted, or escapes or attempts to escape from any custody in which he is lawfully detained for any such offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. Likewise, the offence under Section 225, P.P.C. also carries a maximum punishment of two years' imprisonment. Admittedly, both the aforesaid offences are bailable in nature.

10. In the circumstances discussed hereinabove, the case of the applicant/accused squarely falls within the ambit of further inquiry as envisaged under subsection (2) of Section 497, Cr.P.C. Consequently, the learned counsel for the applicant has successfully made out a case for the grant of post-arrest bail. Accordingly, the instant bail application is **allowed**, and the applicant/accused is admitted to bail, subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and a personal recognizance bond in the like amount to the satisfaction of the learned trial Court.

11. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

JUDGE

JUDGE