

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2629 of 2026

Applicants : 1. Nadir son of Abdul Razzak
2. Abdul Khaliq son of Abdul Razzak
Through Mr. Muhammad Zareef
Lakho advocate

Complainant : Salman Hussain
son of Imran Hussain
Through: Nemo

The State : Through Ms. Najma Latif Golo,
Assistant Prosecutor General Sindh

Date of hearing : 01.10.2026.

Date of Order : 01.10.2026.

ORDER

Jan Ali Junejo, J:-- Through this order, I intend to decide the instant post-arrest bail application filed under Section 497 Cr.P.C. by the applicants namely 1) Nadir son of Abdul Razzak & 2) Abdul Khaliq son of Abdul Razzak, who seek their release on bail in connection with FIR No.1082 of 2026 registered at Police Station Sachal, Karachi for the offences punishable under Sections 397 and 34 PPC. The applicants have approached this Court being aggrieved by the order dated 30.07.2026 passed by the learned Sessions/Special Judge, CNS, Malir whereby their bail application was declined.

2. Briefly stated, the prosecution case as reflected in the FIR is that complainant Salman Hussain stated that on 01.06.2026, at about 05:00 a.m., while he was returning home from Johar Chorangi on his motorcycle bearing Registration No. KJZ-7902, Super Star 70, Model 2017, black colour, Engine No.1177786 and Chassis No.1207277, and upon reaching Main Road, Itwar Bazar, near Meteorology, two unknown persons riding a motorcycle approached him from behind, stopped him and, at gunpoint, forcibly snatched his aforesaid motorcycle, one Infinix mobile phone, charger, hands-free, copy of

CNIC and copy of motorcycle documents, and thereafter fled from the spot. The complainant accordingly reported the occurrence and requested legal action against the unknown accused persons, hence, this FIR.

3. Learned counsel for the applicants, after referring to the record, argued that the applicants are innocent and have been falsely implicated in the case; that the complainant neither called Police 15 nor immediately lodged a report at the concerned police station despite the alleged occurrence having taken place on 01.06.2026, whereas the applicants were allegedly picked up by the police on 12.07.2026 and subsequently involved in the present FIR on 13.07.2026, rendering their implication highly doubtful; that the applicants had also been implicated in other FIRs registered by P.S. Gulistan-e-Johar and had already obtained bail therein; that the alleged motorcycle does not stand registered in the name of the complainant and he is merely its last possessor; that the applicants were not nominated in the FIR, which was registered against two unknown persons, and no description or identifying particulars of the alleged culprits were furnished therein; that the applicants were neither arrested from the place of occurrence nor apprehended red-handed and their subsequent implication during investigation is based on material requiring deeper appreciation at trial; that despite the complainant admittedly being previously unacquainted with the culprits, no Test Identification Parade was conducted in accordance with law, and the complainant allegedly failed to identify the applicants even when shown to him at the police station; that no independent, direct or convincing evidence, including CCTV footage, forensic material, fingerprints, call-data record or other scientific evidence, has been collected to connect the applicants with the alleged occurrence; that the alleged recovery, being disputed, is a matter requiring determination after recording of evidence at trial; that these circumstances, particularly the doubtful identification, absence of TIP, lack of independent or scientific corroboration and

other material discrepancies, constitute grounds for further inquiry within the meaning of Section 497(2) Cr.P.C.; that there is no likelihood of their absconding or tampering with prosecution evidence; that they have remained in judicial custody for a considerable period and the trial is likely to take considerable time, hence their continued incarceration would serve no useful purpose and amount to pre-trial punishment and prayed that the applicants may be admitted to bail.

4. Conversely, learned Assistant Prosecutor General opposed the grant of bail and submitted that the offence involves robbery at gunpoint which is a serious offence affecting the society at large. Learned APG further submitted that the applicants have been properly identified by the complainant and therefore sufficient material is available connecting him with the commission of the alleged offence. He finally prayed for dismissal of the bail application.

5. I have heard the learned counsel for the parties and have gone through the available record with their able assistance. Admittedly, as per contents of the FIR, the culprits were unknown persons at the time of occurrence. The prosecution case is that the complainant later identified the applicant at police station. No Test Identification Parade appears to have been conducted in accordance with law to establish the identity of the applicants through a legally recognized process. The absence of such identification proceedings at the investigation stage prima facie makes the alleged identification open to further probe. At this stage such circumstances tentatively create doubt with regard to the manner of implication of the applicant and require deeper appreciation of evidence which can only be undertaken at the trial. The question whether the applicant was actually involved in the occurrence or has been implicated subsequently is a matter which requires recording of evidence and full-fledged trial.

6. In the peculiar facts and circumstances of the case, the material available on record tentatively brings the case of the applicants within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C. It is settled law that where the case calls for further inquiry into the guilt of the accused, concession of bail cannot be withheld as a matter of punishment.

7. For the foregoing reasons and without touching the merits of the case, the instant bail application is allowed. The applicants namely 1) Nadir son of Abdul Razzak & 2) Abdul Khaliq son of Abdul Razzak is admitted to bail subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) and P.R. bond in the like amount to the satisfaction of the learned trial Court. It is, however, observed that the findings recorded herein are tentative in nature, made solely for the purpose of deciding the present bail application, and shall not prejudice the case of either party during the course of trial.

JUDGE