

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2512 of 2026

Applicant : Abdul Razzaq
son of Ghulam Shah
Through Mr. Waqar Ahmed Khoso
advocate

Complainant : Abdul Subhan
son of Muhammad Sachal
Through: Nemo

The State : The State:
Through Ms. Najma Latif Golo,
A. P. G. Sindh

Date of hearing : 25.09.2026.

Date of Order : 25.09.2026.

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 applicant Abdul Razzaq son of Ghulam Shah, who seeks his release on bail in connection with FIR No.1123 of 2026 registered at Police Station Shah Latif Town, Karachi for the offences punishable under Sections 392/397/511/34 R/w Section 393 PPC. The applicant has approached this Court being aggrieved by the order dated 02.07.2026 passed by the learned Additional Sessions Judge-VI, Malir at Karachi whereby his bail application was declined.

2. Briefly stated, the prosecution case as reflected in the FIR is that on 11.06.2026 at about 12:05 a.m., the complainant Abdul Subhan while travelling on his motorcycle along with his relative Abdul Majeed from Memon Goth was intercepted near Sukkhan Nadi Bridge, Sheedi Goth by two accused namely Abdul Razzaq son of Ghulam Shah and Rauf son of Ilyas, who alongwith two unidentified accomplices riding another motorcycle allegedly followed them and attempted to commit robbery by displaying a weapon. The complainant and his companion overpowered the two accused and upon arrival of Madadgar-15 police handed them over to the police. During personal search, a plastic imitation pistol

resembling a real firearm was allegedly recovered from the right hand of accused Abdul Razzaq, while no other incriminating article was recovered from either accused. The accused also failed to produce registration documents of the motorcycle bearing Registration No. 8375-AAM, Unique 70, black in colour, the imitation pistol was sealed and taken into custody, and thereafter the present FIR was registered under Sections 392, 397, 511 and 34 PPC, while a separate FIR under Section 25 of the Sindh Arms Act, 2013 was registered against accused Abdul Razzaq in respect of the recovered imitation pistol, hence this FIR.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the case through a concocted and engineered story with the malafide intention of showing police efficiency. He submitted that the learned Trial Court failed to properly appreciate the material available on record and the circumstances creating serious doubt in the prosecution case. He further contended that except Section 393 PPC, the remaining sections have been deleted from the challan, and the applicant has no concern with the alleged occurrence. According to learned counsel, the alleged incident took place at about 12:05 a.m., whereas the FIR was lodged at about 01:30 a.m., despite the police station being approximately 15 minutes away, and such unexplained delay casts doubt upon the prosecution version. He asserted that, in fact, a personal dispute already existed between the applicant and the complainant, and that on the relevant day the applicant was merely passing through the alleged place of occurrence on his motorcycle when the complainant and his companions intercepted, assaulted and maltreated him and, with the assistance of police, falsely involved him in the present case. He further submitted that nothing incriminating was recovered from the applicant and the alleged recovery has been foisted upon him; moreover, no independent witness from the residential locality or passerby was associated with the alleged recovery or occurrence, despite the requirements of Section 103 Cr.P.C. Learned counsel argued that the prosecution story is unsupported by any direct or corroborative evidence and rests merely upon the self-serving version of the complainant. He maintained that the alleged offence does not fall within the prohibitory clause of Section 497 Cr.P.C., and that the lesser

punishment is to be considered at the bail stage; hence, bail is ordinarily the rule and refusal an exception, as held in PLD 1995 SC 34. He lastly contended that the applicant is not a hardened or desperate criminal, there is no likelihood of his absconding or tampering with the prosecution evidence, and, in view of the contradictions, unexplained delay, doubtful recovery and absence of independent corroboration, the case squarely calls for further inquiry within the meaning of Section 497(2) Cr.P.C.; therefore, the applicant is entitled to the concession of bail.

4. Conversely, the learned APG opposes the bail application. She submits that the applicant is involved in a heinous offence; that sufficient evidence is available with the prosecution to connect the applicant with the commission of alleged offence; hence, he is not entitled to the concession of bail.

5. This Court has given anxious consideration to the submissions advanced on behalf of the parties and has examined the record with utmost care.

6. The prosecution case, at this stage, finds support from the promptly recorded FIR, wherein the applicant is specifically nominated as one of the persons who allegedly intercepted the complainant and his companion and attempted to commit robbery by displaying a weapon. The applicant was apprehended at the spot and, during his personal search, a plastic imitation pistol resembling a real firearm was allegedly recovered from his possession, which was sealed and taken into custody. The plea of false implication on account of a previous personal dispute, as well as the assertion that the applicant was merely passing through the place of occurrence, are factual questions which require examination at trial and cannot, at this stage, be accepted in preference to the prosecution version supported by the available material. Likewise, the alleged delay in registration of the FIR, absence of independent witnesses and the plea of foisted recovery do not, in the circumstances of the present case, by themselves render the prosecution case doubtful so as to bring it within the ambit of further inquiry under Section 497(2) Cr.P.C. The mere deletion or alteration of penal provisions in the challan also does not ipso facto entitle the applicant to bail, particularly when the material available

on record prima facie connects him with the alleged occurrence. The contention regarding the offence being outside the prohibitory clause of Section 497 Cr.P.C. is also not, by itself, sufficient to grant bail where the prosecution has placed incriminating material connecting the applicant with the alleged offence. At the bail stage, this Court is not required to conduct a deeper appreciation of evidence or record a conclusive finding on the merits; rather, the tentative assessment of the material available on record is sufficient. In the circumstances, no ground for further inquiry within the meaning of Section 497(2) Cr.P.C. is made out in favour of the applicant.

7. In light of the foregoing reasons, the present bail application filed on behalf of the Applicant, being devoid of substantive merit, is hereby dismissed. It is further clarified that the observations made herein are confined solely to the adjudication of this bail application and shall not prejudice or influence the merits of the case during the trial proceedings.

JUDGE