

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2314 of 2026

Applicants : 1. Muhammad Khan
son of Naimatullah Khan
2. Muhammad Hassan @ Shakir
son of Atta Muhammad
3. Noor Ahmed @ Noorullah
son of A. Ambiya
4. Dad Muhammad
son of Wali Muhammad
through Mr. Muhammad Nawaz
Chahani Advocate

The State : Through Mr. Sharaf-u-Din Kanhar,
Assistant Prosecutor General, Sindh

Date of hearing : 01.10.2026.

Date of decision : 01.10.2026.

ORDER

Jan Ali Junejo, J.- This Order shall decide the post-arrest Criminal Bail Application filed by Applicants 1) Muhammad Khan son of Naimatullah Khan, 2) Muhammad Hassan @ Shakir son of Atta Muhammad, 3) Noor Ahmed @ Noorullah son of A. Ambiya and 4) Dad Muhammad son of Wali Muhammad under Section 497, Cr.P.C., arising out of FIR No.203 of 2024, registered at Police Station Tipu Sultan, Karachi, for offence punishable under Section 397, 34 PPC. The Applicants seek bail after arrest, being aggrieved by the Order dated 21.08.2025, passed by Additional Sessions Judge-VIII Karachi South, whereby, their earlier bail plea (Bail Application in Sessions Case No. 122/2025) was declined.

2. Brief facts of the prosecution case, as narrated in the FIR lodged by complainant Mst. Masoom Zehra, are that she is a lawyer by profession. On 30-05-2024, at about 11:00 p.m., she stayed at Jilani Guest House situated at Plot No. D-1/245, Block 6, P.E.C.H.S., Karachi, in Room No. 102. On the following day, she shifted to Room No. 105 due to the small size of the earlier room. The complainant had come from Quetta to Karachi for medical treatment. On 01-06-2024, at about 04:15 a.m., four armed persons forcibly entered Room No. 105 by breaking open the door. They subjected the complainant and other occupants to torture and, at

gunpoint. robbed them of valuables including cash amount of Rs.545,000/- (brought by her for medical treatment), five mobile phones-(i) Infinix 40, SIM No. 0335-8338833, (ii) Hauwat 17, SIM No. 0345-8331133, (iii) Vivo Y-21, SIM No. 0320-2001212, (iv) Samsung A10s, SIM No. 0334-20012114, and (v) one keypad mobile phone, SIM No. 0313-8331133-together with gold bangles weighing 2½ tolas. During the occurrence, other guests and staff of the guest house were also deprived of their belongings. From the manager Umair, the culprits snatched a Realme C-11 mobile phone and Rs. 12,000/- in cash; from the watchman, they snatched an ITEL A-5 mobile phone and Rs.2000/- from one Imran, who was staying in Room No. 204, they snatched a Samsung Galaxy J-8 mobile phone, a Lenovo laptop, and Rs. 12,000/-; from another person Shahzad Rs.2,000/- were snatched; and from the room of another manager, cash of Rs 200,000/- along with four wristwatches was also taken away. After the incident, the complainant informed Police Helpline 15 through phone number 0333-898344. Hence, this FIR.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated in collusion with the police, as they were neither nominated nor arrested at the spot, no specific role or description was assigned to them, and no alleged snatched property was recovered from their possession. He submitted that the case requires further inquiry, as PW-1 admitted that no description or sketch of the accused was provided, no medical certificate regarding assault was produced, no proof or IMEI number of the allegedly snatched mobile was furnished, no recovery was effected, and despite CCTV cameras being installed around the place of occurrence, relevant witnesses were not examined. He further referred to the evidence of PW-3 and PW-4/Investigating Officer regarding the applicants' prior arrest in another FIR, failure to associate independent witnesses, non-disclosure of the source of information, absence of confession before the Magistrate, failure to properly conduct the identification process, non-production of medical certificates and fingerprint record, and non-examination of MLO and CSU officials. Learned counsel further pointed out that the identification parade was conducted six days after re-arrest, the applicants' clothes were not changed, the dummies did not properly correspond with their appearance, and certain accused disclosed that their faces had already been shown to the witnesses at the police station, thereby rendering the identification doubtful. He submitted that the arrest and recovery memos were prepared at the police station and that no specific role or recovery was attributed to the applicants. He further relied upon their previous acquittal in Sessions Case No.302/2025 arising out of FIR No.709/2024 under Sections

324/353/34 PPC and submitted that no independent or cogent material connects them with the present offence. Lastly, learned counsel contended that the applicants have remained incarcerated since 09.10.2024 without conclusion of trial, causing undue hardship; they are permanent residents of Karachi, neither hardened nor habitual offenders, have not absconded and are not likely to tamper with the prosecution evidence. He therefore submitted that the cumulative circumstances create serious doubt regarding their involvement and bring the case within the ambit of further inquiry under Section 497(2), Cr.P.C., warranting grant of bail.

4. Conversely, learned Assistant Prosecutor General, Sindh opposed the bail application and contended that the Applicants have been connected with the commission of offence through a properly conducted identification parade before a Magistrate, wherein they were duly identified by the Complainant. He argued that the offence falls within the prohibitory clause, involving armed robbery, and sufficient material is available on record linking the Applicants with the crime. He further submitted that the plea of false implication and alleged defects in identification are matters of trial. He lastly prayed for dismissal of the bail application.

5. I have heard the learned Counsel for the Applicant as well as Assistant Prosecutor General, Sindh and perused the available record with their assistance.

6. This Court has given anxious consideration to the submissions advanced on behalf of the parties and has examined the record with utmost care. On a tentative assessment of the material available on record, it appears that applicants were identified by the complainant, against whom no previous enmity has been alleged. The offence charged against the applicant under Sections 397, P.P.C. is of a heinous nature, carrying severe punishment, which necessitates cautious consideration before granting bail. The learned counsel for the applicants have argued that the case does not fall within the prohibitory clause of Section 497(1) Cr.P.C., warranting bail as a matter of right. However, the Hon'ble Supreme Court of Pakistan in *Shameel Ahmed v. The State* (2009 SCMR 174) has categorically held that bail in cases not falling within the prohibitory clause is not a rule of universal application and that each case must be examined on its own facts and circumstances. Similarly, in *Afzaal Ahmed v. The State* (2003 SCMR 573), it was held that the mere fact that an offense does not fall within the prohibitory clause does not automatically render it bailable, and the Court retains discretion in granting bail based on established legal principles. Additionally, the Hon'ble

Supreme Court in Mehboob-ulHassan v. The State (1995 SCMR 1013) upheld the denial of bail to an accused correctly identified in an identification parade. Likewise, in the case of Muhammad Shoaib v. The State (2018 YLR Note 120), this Court held as follows: “After his arrest identification parade of the applicant was held through PW Muhammad Ali, who correctly identified the applicant during identification parade and stated that on 20.10.2015 at about 9:30 the accused was coming from back door of the house of Chaudhry Akhtar at PIB Colony, which is in corroboration with the statement of said PW Muhammad Ali recorded under section 161, Cr.P.C. wherein he has stated that he has seen the accused while escaping from back door of the house of the complainant”.

7. Considering the strong prima facie evidence against the applicants, including their identification in the identification parade and the presence of corroborative witness testimony, I do not find any reasonable grounds to treat this case as one warranting “further inquiry” under Section 497(2) Cr.P.C. The seriousness of the allegations and the potential punishment also negate any presumption in favor of bail. Thus, the Applicants are not entitled for grant of bail at this stage.

8. In light of the foregoing reasons, the present bail application filed on behalf of the Applicants, 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