

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2534 of 2026

Applicant : Saifullah son of Amanullah Rajpar
through Mr. Safdar Ali Shar, Advocate

Complainant : Muhammad Ahsan Ul Haq son of
Abdul Haq 'NEMO'

Respondent : The State through Ms. Tahira Depar,
Assistant Prosecutor General, Sindh

Date of hearing : 02.10.2026

Date of decision : 02.10.2026

ORDER

Jan Ali Junejo, J.- Through this Criminal Bail Application, Applicant-Saifullah son of Amanullah Rajpar, seeks post-arrest bail in connection with Crime No.494 of 2026, registered at Police Station Darakhshan Karachi, for offences punishable under Sections 397 and 34, PPC. Earlier, the Applicant's post-arrest bail application was declined by the learned V-Additional Sessions Judge, Karachi South, *vide* Order dated 10.08.2026.

2. Concisely, facts of the case are that on 14.07.2026 at about 07:50 p.m. when Complainant returned from his office to his house where one unknown person opened the door of his bungalow but at that complainant did not notice due to evening time but when he parked his vehicle two unknown identifiable persons came to him and started beaten him one of them was having pistol and he hit the pistol butt on the head of complainant due to which he sustained injuries and blood started oozing. Thereafter they dragged the complainant inside the bungalow and locked the complainant in one room. They also took searched the complainant and looted cash of Rs.80,000/-meanwhile daughter of complainant entered inside the house and they also took her inside the room and locked her with the complainant after looting her purse having cash of Rs.50,000/- and snatched the Apple Pad, one earring, one gold ring, driving license and Bank cards. During the said incident daughter of complainant called her mother regarding the incident who called at 15 Madadgar and both the persons fled away from the place of incident and when the complainant checked the house found that all the articles were scattered and 20 Tola of Gold along with 07/08 lacs were missing from the Almirah of second room, hence this FIR was lodged.

3. Learned Counsel for the Applicant contends that the Applicant is innocent and has been falsely implicated in the present case. He submits that the FIR was registered against unknown persons and the Applicant was neither nominated therein nor assigned any specific role. It is further contended that no incriminating articles, were recovered from the possession of the Applicant and, significantly, no identification parade was conducted by the prosecution. On these grounds, learned Counsel submits that the Applicant's case squarely falls within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C.

4. Conversely, learned Assistant Prosecutor General, Sindh has opposed the grant of bail, contending that the offence is serious and heinous in nature and that the Applicant was subsequently arrested. According to the learned APG, the allegation relates to a robbery and, therefore, the Applicant does not deserve the concession of bail.

5. I have heard the learned Counsel for the parties and have gone through the available record with their assistance. At the stage of bail, the Court is not required to conduct a deeper appreciation of the evidence or record a final determination regarding the guilt or innocence of the accused. The question is whether, on the tentative assessment of the material available on record, reasonable grounds exist for believing that the accused is connected with the commission of the offence, or whether the case requires further inquiry within the meaning of Section 497(2), Cr.P.C.

6. In the present case, it is an admitted position emerging from the record that the Applicant was not nominated in the FIR. The occurrence was allegedly committed by two unknown persons, but no subsequent identification parade of the Applicant has been conducted. Likewise, no recovery of the allegedly snatched mobile phone, weapon, or any other incriminating article has been effected from the Applicant.

7. The fact that the Applicant was caught by the Complainant on the very next day of the alleged occurrence, by itself, does not constitute sufficient incriminating material to establish his involvement in the present case. At this stage, the mere fact of his arrest cannot be treated as substantive evidence of his participation in the alleged offence. The prosecution is still required to establish, through independent and legally admissible material, a nexus between the Applicant and the occurrence forming the subject matter of the present FIR.

8. In the circumstances noted above, particularly the Applicant's non-nomination in the FIR, absence of any recovery from his possession and non-conduct of an identification parade, the material presently available on record does not, at this tentative stage, provide sufficient grounds to hold that the applicant is prima facie connected with the alleged occurrence. His case, therefore, calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

9. Consequently, this bail application is allowed. Applicant-Saifullah son of Amanullah Rajper is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) with PR bond in the like amount to the satisfaction of the learned trial Court.

10. It is clarified that the observations made herein are tentative in nature and shall have no bearing upon the merits of the case at trial, where the prosecution shall be at liberty to establish its case in accordance with law.

JUDGE

M. Zeeshan