

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 1483 of 2026

Applicant : Muhammad Ali Raza
son of Nadeem Hussain
Through Mr. Shahid Hussain,
advocate

Complainant : Bashar Ahmed
son of Aejaz Ahmed
Through: Nemo

The State : Through M/s. Najma Latif Golo &
Tahira Depar, Assistant Prosecutor
General Sindh

Date of hearing : 03.09.2026.

Date of Order : 03.09.2026.

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 namely Muhammad Ali Raza son of Nadeem Hussain, who seeks his release on bail in connection with FIR No.259 of 2025 registered at Police Station Aziz Bhatti, Karachi for the offences punishable under Sections 397 and 34 PPC. The applicant has approached this Court being aggrieved by the order dated 06.05.2026 passed by the learned Additional Sessions Judge-I/MCTC, Karachi East whereby his bail application was declined.

2. Briefly stated the prosecution case as reflected in the FIR is that the complainant verbally stated that he is residing along with his family at the address mentioned in Column No. 2 and is law student. That on 07-05-2025, at about 01:47 PM, when he, on foot, reached the place of occurrence mentioned in Column No. 4 and was talking to his father on his mobile phone, in the meanwhile, two persons riding upon one CD-125 motorcycle came there, out of whom one was wearing pant-shirt and the other was wearing shalwar qameez. Both were young persons, appearing to be Pathans, whom the complainant can identify upon coming face to face. That the said persons, by showing weapons and putting the complainant under fear of instant injury, snatched from him one mobile

phone, iPhone 16 Pro Max, along with SIM, one Samsung mobile, cash amounting to Rs. 10,000/-, two signed cheques belonging to the complainant, bank ATM cards, and other relevant cards/documents, and thereafter fled away from the spot. That thereafter, the complainant came to the Police Station for lodgment of the report, hence, the instant FIR was registered.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated due to mala fide and ulterior motives of the local police, and that the impugned order dated 06-05-2026 is contrary to law and facts; that the earlier dismissal of bail application No.2064/2025 does not bar the present application, as at the bail stage only tentative assessment is required; that the applicant has remained in custody for almost one year, while the trial is being delayed due to non-appearance of the complainant and prosecution witnesses; that the FIR was lodged against unknown persons and neither names nor specific particulars of the applicant were mentioned therein, nor was any lawful Test Identification Parade conducted, rendering his subsequent implication doubtful and attracting Section 497(2) Cr.P.C.; that no robbed articles or incriminating material were recovered from him and no independent or reliable evidence connects him with the alleged offence; that no independent witness was associated with the alleged arrest and recovery, while the alleged recovery is false and fabricated; that the investigation is biased and no CCTV footage, CDR, geo-fencing, forensic or other scientific evidence has been collected to establish his involvement; that the prosecution case is based on suspicion, conjectures and surmises and suffers from material contradictions and improbabilities, while no private witness from the crowded locality has supported the prosecution version; hence, the applicant's case calls for further inquiry under Section 497(2) Cr.P.C. and he is entitled to the concession of 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 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. No Identification Test Parade was conducted. It is also noticeable from the record that no weapon of offence has been recovered from the possession of the applicant. 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 applicant 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, the instant bail application is allowed and the applicant namely Muhammad Ali Raza son of Nadeem Hussain is admitted to bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand 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