

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1139 of 2026

Applicant : Sudheer son of Azizullah through
Mr. Sardar Ahmed Khoso, Advocate

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

Date of hearing : 17.09.2026

Date of decision : 17.09.2026

ORDER

Jan Ali Junejo, J.- Through this Criminal Bail Application, Applicant-Sudheer son of Azizullah, seeks post-arrest bail in connection with Crime No.106 of 2026, registered at Police Station SSHIA, Karachi, for offence punishable under Sections 397 PPC. Earlier, the Applicant's post-arrest bail application was declined by the learned Additional Sessions Judge-VIII, Malir, Karachi *vide* Order dated 07.04.2026.

2. The brief facts of the prosecution case, as set out in the FIR, are that on 02.02.2026 at about 12:15 hours, the Complainant, while returning from his shop at Khameesa Goth towards Ayub Goth on his Honda-70 motorcycle bearing Registration No.KTK-9161, was intercepted at Nadi Pull by four armed persons riding two motorcycles, who robbed him of his licensed M-99 pistol with loaded magazine containing 15 bullets, cash of Rs.114,000/-, ATM card, copy of CNIC, and motorcycle; hence, this FIR.

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 in another case. According to the learned APG, the allegation relates to an armed 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 four unknown persons, but no subsequent identification parade of the Applicant has been conducted. The Complainant's assertion that he could identify the culprits if produced before him, therefore, has not, so far, culminated in any legally recognizable identification connecting the present Applicant with the occurrence. Likewise, no recovery of the allegedly snatched mobile phone, weapon, or any other incriminating article has been effected from the Applicant.

7. The mere fact that the Applicant was arrested subsequently in another case, by itself, cannot constitute sufficient incriminating material in the present case so as to dispense with the requirement of connecting him with the alleged occurrence. At this stage, the Court cannot treat his involvement in another case as substantive evidence of his participation in the present crime. The prosecution is required to establish an independent nexus between the Applicant and the offence 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. 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.

10. Consequently, this bail application is **allowed**. Applicant-Sudheer son of Azizullah 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.

JUDGE

Qurban