IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2742 of 2026

Applicant	:	Aqeed Ahmed @ Aqeel son of Manzoor Ahmed Through Mr. Noor Khan, Advocate
Respondent	:	The State *Through* Mr. Muhammad Mohsin Mangi, Assistant Prosecutor General.
Date of hearing	:	28.10.2026
Date of Order	:	04.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. – Applicant Aqeed Ahmed @ Aqeel seeks post-arrest bail in a case bearing Crime No.355/2026, registered at Police Station Muchko, Karachi, for offence under Sections 394, 397 and 34 read with Section 412 PPC, his earlier request having been declined by the learned Additional Sessions Judge-II, Karachi West, on 16.07.2026.

2. Briefly, the prosecution case, as unfolded in the FIR lodged by complainant Amir Zafar, is that on 31.05.2026, at about 6:15 a.m., while returning from a gathering along with his companions Haris and Muhammad Aasif in Suzuki Alto car bearing registration No.BZM-873, two unidentified persons riding a 125cc motorcycle intercepted them near the railway crossing on Sparco Road, Muchko. The pillion rider, armed with a pistol, allegedly opened fire upon the complainant, causing firearm injuries to his right hand and left leg. Despite the firing, the complainant continued driving; however, the assailants pursued the vehicle and intercepted it again near Madina Biryani, Muchko Goth, at about 6:28 a.m. They allegedly deprived the complainant and his companions of their mobile phones, cash, identification documents, ATM card and other belongings and forcibly took away the aforesaid vehicle at gunpoint. The assailants thereafter escaped towards Naval Colony. The complainant obtained medical treatment and subsequently lodged the FIR against two unidentified persons, claiming that he and his companions could identify them if produced before them. During investigation, the present applicant was arrested by the police, allegedly in possession of the robbed vehicle, whereafter Section 412 PPC was invoked against him.

3. Learned counsel for the applicant contends that the latter was neither nominated in the FIR nor attributed any role in the occurrence; that

notwithstanding the complainant's assertion regarding identification of the culprits, no identification parade was conducted; and that the alleged recovery of the vehicle, witnessed exclusively by police officials, is insufficient to establish either his participation in the robbery or the guilty knowledge indispensable for attracting Section 412 PPC. It is further argued that the prosecution has failed to establish any nexus between the applicant and the alleged dacoity, rendering his case one of further inquiry. Reliance is placed upon 2007 PCr.LJ 345[1], besides the orders of this Court dated 22.10.2025 and 30.01.2026. Conversely, learned Additional Prosecutor General opposes bail, maintaining that the recovery of the robbed vehicle sufficiently connects the applicant with the offence and that the gravity of the accusation, coupled with the punishment prescribed, disentitles him to the concession sought.

4. Heard and perused the record. The occurrence involving armed robbery and firearm injuries is undoubtedly grave; nevertheless, the gravity of an accusation cannot dispense with the requirement of reasonable grounds connecting the particular accused with its commission. The FIR attributes the entire occurrence to two unidentified persons, whereas the applicant's implication surfaced subsequently during investigation, principally upon the alleged recovery of the vehicle. Despite the complainant's express assertion that the assailants could be identified, no identification parade is shown to have been conducted. Thus, the material presently available does not independently establish the applicant's identity as one of the perpetrators, and the evidentiary foundation of his involvement substantially rests upon the disputed recovery.

5. More importantly, Section 412 PPC contemplates dishonest receipt or retention of property with knowledge, or reason to believe, that its possession was transferred through dacoity, or receipt thereof in the alternative circumstances expressly contemplated by that provision. Mere possession of stolen property, without the requisite statutory knowledge, does not ipso facto attract Section 412 PPC. The distinction between Sections 411 and 412 PPC is, therefore, substantive. Significantly, the foundational FIR describes only two assailants, whereas dacoity, as defined under Section 391 PPC, requires conjoint participation of five or more persons. No sufficient material has presently been shown establishing either the participation of the requisite number of offenders or the applicant's knowledge that the vehicle had been obtained through dacoity. Whether the alleged recovery, if proved, attracts Section 411 PPC, Section 412 PPC or any other penal provision consequently remains a matter requiring determination upon evidence.

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[1] *Farooque Ahmed v. The State.*

6. In 2007 PCr.LJ 345[2], this Court held that mere recovery of a robbed vehicle, without material demonstrating the accused's knowledge of its connection with dacoity, rendered the applicability of Section 412 PPC a matter of further inquiry. The principle bears directly upon the present controversy. The orders dated 22.10.2025 and 30.01.2026, relied upon by learned counsel, likewise emphasize the distinct statutory ingredients of Sections 411 and 412 PPC. The broader principles governing bail jurisdiction, as enunciated by the Supreme Court in PLD 1995 SC 34[3], PLD 2017 SC 733[4] and PLD 2022 SC 764[5], reinforce the necessity of examining the statutory grounds for continued detention. Although the offences presently invoked attract the prohibitory clause of Section 497(1) Cr.P.C., the protection afforded by subsection (2) remains available where the material calls for further inquiry.

7. The learned Court below appears to have attached decisive significance to the alleged recovery without adequately examining the absence of identification and the indispensable ingredients of Section 412 PPC. The reliability of the recovery, particularly in the absence of independent witnesses, and the applicant's alleged connection with the principal occurrence are matters requiring evidentiary scrutiny at trial. The cumulative effect of these circumstances renders the applicant's culpability a matter of **further inquiry within the contemplation of Section 497(2) Cr.P.C.** His continued incarceration, in the circumstances, would serve no legitimate purpose of criminal justice.

8. Consequently, this application is **allowed**. The applicant, **Aqeed Ahmed @ Aqeel**, is admitted to post-arrest bail upon furnishing solvent surety in the sum of **Rs.100,000/- (Rupees One Hundred Thousand only)** and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

9. The observations made herein are tentative, confined exclusively to the determination of this bail application, and shall not influence the learned trial Court while deciding the case independently on its merits.

J U D G E

Shahbaz

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[2] *Farooque Ahmed v. The State.*
[3] *Tariq Bashir & 5 others v. The State.*
[4] *Muhammad Tanveer v. The State & another.*
[5] *Tahira Batool v. The State & another.*