

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

Crl. Bail Application No. 1944 of 2022

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**DATE**

**ORDER WITH SIGNATURE OF JUDGES**

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For hearing of bail application.

**10-03-2023**

Mr. Abdul Wahab Mirza, Advocate a/w applicant.

Ms. Robina Qadir, Addl.P.G.

Complainant present in person.

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**Omar Sial, J:** Noman Ali has sought pre-arrest bail in crime number 149 of 2022 registered under sections 397 and 34 P.P.C. at the Saudabad police station. Earlier, his application seeking bail was dismissed on 22.08.2022 by the learned 8<sup>th</sup> Additional Sessions Judge, Karachi East.

2. A background to the case is that the aforementioned F.I.R. was lodged on the complaint of Mohammad Altaf on 09.05.2022 who reported an incident of earlier that day. Altaf narrated that he works as a salesman at his brothers shop by the name of Makki Super Store. At night that day while he was present in the shop with other salesmen by the name of Mazhar Maqbool, Umair Shafi, Kashif and Shehzad, 3 armed young persons whose faces were partially covered barged into the shop and started looting the shop and the customers present. The thieves then left the premises. The F.I.R. was registered against unknown persons.

3. During investigation, CCTV footage obtained from the shop was analyzed and the police was able to identify the culprits, the present applicant being one of the 3 men who had entered and robbed the shop.

4. Learned counsel for the applicant has argued that no identification parade was held and that it was actually the brother of the applicant who the police is looking for. According to him the prosecution alleges that the accused had their faces covered then how is it that the applicant has been identified. The learned Addl.P.G. supported the impugned order. I have

heard the counsels and perused the record. My finding and observations are as follows.

5. The complainant who was present in the shop when the incident occurred was in attendance and stated that he had no doubt that the applicant was one of the persons who had entered the shop. He further said that even though the faces of the accused were partially covered the CCTV footage that was recovered and analyzed later by the police leaves no doubt that the applicant is the same person. The complainant further said that not only that the style of walking and talking of the applicant is also the same. I have been shown screenshots of the CCTV footage by the learned Addl.P.G. The footage appears to be of good quality and shows that the person who is alleged to be the applicant is standing with his partially covered face towards the camera. Upon a tentative assessment at this preliminary stage it cannot be conclusively ruled out that the person in the footage is indeed the applicant. Prima facie there appears to be a resemblance of the face, nose up, with the applicant. This is of course not a conclusive finding and the truth will be unearthed at trial. At this stage and keeping in mind that the complainant has absolutely no malafide or reason to falsely implicate the applicant, I am not inclined to give any discretionary concession to the applicant.

6. In view of the above, the interim pre-arrest bail granted earlier is recalled and the application dismissed.

JUDGE