

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
**Criminal Bail Application No.1052 of 2023**

Applicant : Muhammad Imran s/o. Taj Muhammad,  
through Mr. Afzaal Ahmed, Advocate

Respondent : The State, through Mr. Zahoor Ahmed  
Shah, Additional Prosecutor General.  
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Date of hearing : 12.06.2023  
Date of order : 12.06.2023  
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**ORDER**

**ZAFAR AHMED RAJPUT, J:-** Through instant criminal bail application, applicant/accused Muhammad Imran s/o. Taj Muhammad seeks post-arrest bail in Crime No.60/2023, registered at P.S. Garden, Karachi, under Section 392,397/34, P.P.C. His earlier application for the same relief bearing No.1377/2023 was dismissed by the learned Addl. Sessions Judge-VIII, Karachi-South vide order, dated 29.04.2023.

**2.** As per F.I.R., on 22.03.2023 at about 0830 hours, complainant Abdul Rahim after leaving his daughter at school was returning to home on his motorcycle bearing No.KPA-7300, maker Suzuki, GS-150, Black Color, Model-2021 and when he reached Oil Wali Gali Farooq-e-Azam Masjid, Nishter Road, Garden-West, Karachi, three unknown accused persons riding on two motorcycles, in furtherance of their common intention, on the force of weapon snatched his motorcycle and mobile phone Samsung A-31 and ran away.

**3.** After hearing the learned counsel for the applicant, Additional Prosecutor General and perusing the material available on record, it appears that, on 22.03.2023 at 0930 hours, the applicant was arrested by the Mochko Police in Crime/F.I.R. No.99 of 2023, registered at P.S. Mochko under sections 353/324, P.P.C. and allegedly recovered from his possession the snatched motorcycle.

**4.** It further appears that the applicant is confined in judicial custody since the day of his arrest i.e. 22.03.2023. After investigation, police has submitted the challan against the applicant; hence, his custody is no more required by the police for further investigation. It also appears that though the arrest of the applicant has been shown in afore mentioned Crime No. 99 of 2023 after one hour of the alleged snatching of the motorcycle, yet no identification test was conducted during investigation for the identification of the applicant by the complainant to ascertain if he was one of the alleged three un-known snatchers, who snatched the motorcycle from the complainant. Prima facie, there is no incriminating material available with the prosecution to connect the applicant with the commission of alleged offence under section 392,397/34, P.P.C., except his extra-judicial confession while in custody of police, which is inadmissible under Article 39 of the Qanun-e-Shahadat, Order, 1984. Under the circumstances, the guilt of applicant is yet to be proved at the trial. Hence, the instant bail application is allowed and in result thereof, the applicant is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.1,00,000/- (Rupees One Lac only) and P.R. bond in the like amount to the satisfaction of the trial Court.

**5.** Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits. In case the applicant misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving him notice, as per rule.

**6.** Above are the reason of my short order dated 12.06.2023.

JUDGE