

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Bail. Application No. 710 of 2025

Date Order with signature of Judge

For hearing of bail application.

22nd April 2025.

Mr. Dur Muhammad Mallah advocate for applicant.
Mr. Muhammad Mohsin, APG.

Through instant bail application, applicant Mumtaz son of Imdad Hussain seeks post arrest bail in a case bearing crime No. 224 of 2025 offence under Sections 394/397/34 PPC, registered at P.S. Surjani Town. Bail of the applicant was declined by the court of learned Additional Sessions Judge-IV Karachi West, vide order dated 03.03.2025.

2. Concisely, the facts extracted from the FIR are that on 19-02-2024, the complainant was at home when his brother left the house on his motorcycle. At around 1700 hours, the complainant received information that his brother had sustained a firearm injury during a robbery incident. The injured was shifted to the hospital for medical treatment. Subsequently, the complainant reached the hospital and found his brother undergoing treatment. Consequent upon; case was registered inter-alia on above facts.

3. Learned counsel contends, the applicant is innocent and has falsely implicated in this case. He added, except extra judicial confession of the applicant before the police there was nothing against him and such statement has no evidentiary value in pursuance of Article 38/39 of the Qanoon-e-Shahadat Order,1984. He lastly prayed for bail to the applicant.

4. Learned APG, Sindh affirmed that except confession statement of applicant before the police, no corroborative evidence was collected by the Investigation Officer during course of investigation.

5. From tentative assessment, it appears that applicant was arrested on 08.04.2024 and recovery of unlicensed weapon was effected from him; no identification parade was held before the competent court of law and only piece

of evidence against the applicant is his confessional statement before the police, therefore, yet to be determined at the time of evidence, whether such piece of evidence carry evidentiary value in pursuance of Articles 38 and 39 of the Qanun-e-Shahadat Order, 1984.

6. The record shows that the applicant/accused is not previous convict. Moreover, the applicant/accused has been in continuous custody since his arrest and he is no more required for any investigation nor the prosecution has claimed any exceptional circumstance, which could justify keeping him behind the bars for an indefinite period pending determination of his guilt. The case has been challaned and applicant is no more required for investigation.

7. Under the circumstances, I am of the view that the applicant has made out a case for further inquiry, as envisaged under Section 497(2) Cr.PC. Accordingly, applicant Mumtaz was admitted to post arrest bail subject to furnishing surety in the sum of Rs.50,000/- (Rupees Fifty Thousand Lac) with P.R. bond in the like amount to the satisfaction of the learned trial Court.

J U D G E

M.Zeeshan