

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Criminal Bail Application No. S-2922 of 2025
(Ijaz Ahmed Versus the State)

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of Bail application

15.12.2025.

Mr. Mir Ali Nawaz Khan, Advocate for the Applicant

Complainant Shaikh Muhammad Abdul Wajid having CNIC No. 42201-3980816-9 present in person

Mr. Mumtaz Ali Shah, Assistant Prosecutor General alongwith SIP Yaseen P.S. Al-Falah

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Ali Haider 'Ada'J:- Through this bail application, the applicant seeks the concession of post-arrest bail in FIR No. 441 of 2024, registered on 07.10.2024 at Police Station Al-Falah for offences punishable under Sections 394, 397, 34 and 216-A PPC. The said FIR was lodged by the complainant Abdul Wajid, a police constable, on the same date as that of the alleged incident. Prior to filing the present application, the applicant had approached the learned II-Additional Sessions Judge, Karachi East, who declined the request for bail vide order dated 07.10.2025.

2. According to the FIR, the complainant on 07.10.2024 was proceeding to his duty on his motorcycle when two unknown persons intercepted him and demanded his mobile accessories and motorcycle. Upon resistance by the complainant, the assailants resorted to firing, as a result whereof the complainant sustained firearm injuries on his abdomen and right thigh. In retaliation and in self-defence, the complainant fired from his official 9 mm pistol, which hit one of the accused on his chest, causing him to fall down, while the other accomplice managed to flee from the spot. In the meantime, a police mobile arrived at the scene and ASI Muhammad Arshad apprehended the injured accused, who disclosed his name as Muhammad Haseeb. During the incident, a passerby namely Saud also sustained injuries. After completing the necessary legal formalities, the complainant, the injured accused and the injured passerby were shifted to Jinnah Hospital

for medical treatment. Subsequently, the FIR was registered, and during the course of treatment, the injured accused Muhammad Haseeb succumbed to his injuries.

3. During the course of investigation, the police, by using modern technological devices, traced the involvement of the present applicant in the commission of the offence. His name transpired during the investigation as the second accomplice, along with involvement of another co-accused namely Akbar Magsi. The prosecution alleged that the present applicant was the companion of the deceased dacoit Muhammad Haseeb at the time of the incident. After completion of the investigation, the final challan was submitted before the competent court.

4. Learned counsel for the applicant contended that the applicant was not nominated in the FIR and that no specific role has been assigned to him therein. It was further argued that no identification parade was conducted by the prosecution and that the applicant has been implicated merely on the basis of call detail records and mobile data. Learned counsel submitted that the mobile phone allegedly secured by the police was registered in the name of Muhammad Imran, who appeared before the Investigating Officer and stated that he had not been using the said number. On these grounds, it was argued that there is no direct or independent evidence connecting the applicant with the alleged crime, and therefore, the case of the applicant falls within the ambit of further inquiry as envisaged under Section 497(2) Cr.P.C.

5. On the other hand, the learned Assistant Prosecutor General opposed the bail application and submitted that the involvement of the applicant has been established through modern technological devices. It was further argued that the applicant is a close companion of the deceased dacoit and that FIR No. 227 of 2022 under Section 397 PPC was also registered against both of them previously. It was further submitted that several criminal cases have allegedly been registered against the applicant at different police stations, demonstrating his criminal history. Learned APG contended that there is no mala fide or ulterior motive on the part of the complainant or the police to falsely implicate the applicant, and that the applicant is the real

culprit who acted as an accomplice of the main accused who died during the incident. On these grounds, dismissal of the bail application was prayed for.

6. The complainant, Abdul Wajid, appeared before the Court and supported the prosecution's case in its entirety. He reiterated that he is a police official and that during the incident, he sustained firearm injuries on his abdomen and right thigh. He further stated that in the exercise of his right of self-defence, he fired from his government-issued weapon, which resulted in injuries to the companion of the applicant, who later died. The complainant also prayed for dismissal of the bail application.

7. Heard the learned counsel for the parties and perused the available record with their assistance.

8. The incident in question admittedly took place on 07.10.2024. The complainant, being a police official, was duly armed with government ammunition and sustained firearm injuries at the hands of the accused party. In the exercise of his right of self-defence, as provided under Section 100 PPC, he retaliated by firing upon the accused, as a result whereof one of the culprits lost his life. The prosecution's case, at this stage, reflects that two persons were involved in the commission of the offence; one died during the encounter, while the other, namely the present applicant, was subsequently identified and implicated during the course of investigation through the collection of evidence by means of modern technological devices.

9. The investigation carried out by the police cannot be brushed aside lightly at this stage, as it is the duty of the prosecution to establish its case through all legally permissible means. The legislature has introduced the Mobile Devices Identification, Registration and Blocking Regulations, 2017, which provide a legal framework for the collection and analysis of data relating to mobile devices used in the commission of offences. Under Section 2(m) of the said Regulations, the Investigating Agency is empowered to collect and analyze such data in order to trace the involvement of suspects. Reliance on modern devices and technological evidence has now become an

integral and recognized part of criminal investigation, particularly in cases involving serious and organized crimes.

10. In the present case, the prosecution has relied upon data collected through modern devices to connect the applicant with the commission of the offence. Such material, prima facie, establishes the involvement of the applicant as the companion of the deceased dacoit. The contention of the learned counsel for the applicant that the applicant was not named in the FIR and that no specific role was assigned to him does not carry much weight at this stage, as the role of the applicant has emerged during the course of investigation, and he has been shown to be the accomplice of the deceased accused. The FIR is not an encyclopedia of the entire prosecution case, and subsequent evidence collected during the investigation can lawfully be used to implicate a suspect.

11. As regards the objection relating to non-holding of an identification parade, it is observed that once the prosecution relies upon technological and circumstantial evidence collected through modern devices, wherein the applicant was nominated in subsequent proceedings by name, it does not, at this stage, by itself create a case of further inquiry. Reliance in this regard may be placed upon the judgments reported as *Kamran v. The State* (2024 SCMR 1419) and *Majid Ali v. The State and another* (2022 PCrLJ 981),

12. Considering the nature of the allegations, the manner of occurrence, the role attributed to the applicant as an accomplice of the deceased dacoit, the reliance placed by the prosecution on modern technological evidence, and the settled principles governing the grant of bail in cases involving prohibitory offences, this Court is of the view that no case for further inquiry under Section 497(2) Cr.P.C. is made out at this stage. Keeping in view the above facts and circumstances of the case, the instant bail application is dismissed.

JUDGE