

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.90 of 2026

Applicant: Aslam through Mr. Shafiq Ahmed,
Advocate a/w Jam Shahid Iqbal,
Advocate.

Respondent: The State through Mr. Qamaruddin
Nohri, Deputy P. G. Sindh a/w P.I. Abdul
Rashid & ASI Muhammad Hussain, P.S.
Sohrab Goth.

Date of hearing: 30.01.2026

Date of order: 30.01.2026

ORDER

TASNEEM SULTANA, J.— Through this criminal bail application, the applicant seeks post-arrest bail in Crime No.675 of 2025, registered under Sections 412/34 P.P.C. at Police Station Sohrab Goth, Karachi. The earlier bail application preferred by the applicant was dismissed by the learned VIIIth Additional District & Sessions Judge, Malir, Karachi, vide order dated 04.11.2025 at a premature stage, and thereafter, a fresh bail application was also rejected vide order dated 15.12.2025 after submission of challan. Hence, this application for the same concession.

2. Brief facts of the prosecution case, are that ASI Muhammad Hassan reported that on 16.10.2025 at 09:45 hours, while performing patrolling duty along with police officials, including PC Abdul Samad, PC Muhammad Afzal and DPC Tariq Ali, they reached Nadi Kinara, Jannat Gul Town, Sohrab Goth, at about 08:30 hours, where two persons, namely the present applicant Aslam and co-accused Jan Gul, were found standing near one motorcycle and several motorcycle chassis. Upon apprehension and personal search, from the applicant a purse containing Rs.30/- and one mobile phone were allegedly recovered, whereas the motorcycle was found without number plate and its documents could not be produced. Several chassis' numbers were checked through CPLC, out of which some were found to be case property of other FIRs registered under Sections 397/34 and 381-A P.P.C. It is further alleged that from the possession of co-accused Jan Gul, one unlicensed 9mm pistol along with ammunition was recovered.

On such allegations, the present FIR was lodged, while a separate case was registered against the co-accused for recovery of unlicenced arm and ammunition.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated by the police; that no private witness was associated at the time of alleged recovery, despite availability; that the memo of arrest and recovery is joint, which renders the alleged recovery doubtful; that the FIR itself reflects non-cooperation of private persons, yet no legal notice was issued to compel their participation; that the alleged recovery has been foisted; that the investigation has been completed and challan submitted; that no identification parade was conducted in respect of any alleged stolen property; that statements under Section 161 Cr.P.C. of complainants of the previous FIRs, whose case property is alleged to have been recovered, were not recorded; that the applicant is neither a hardened nor a habitual offender and has clean antecedents; that he is a permanent resident of Karachi with no likelihood of abscondence or tampering with prosecution evidence; and that the case, on the basis of these infirmities, calls for further inquiry within the meaning of Section 497(2) Cr.P.C.

4. On the other hand, learned Deputy Prosecutor General assisted by counsel for the complainant opposed the application and submitted that the applicant was arrested at the spot; that stolen/robbed motorcycle parts were recovered directly from his possession; that the chassis numbers were verified through CPLC and linked with other registered FIRs; that Section 412 P.P.C. squarely applies as the offence relates to dishonestly receiving property stolen in the commission of dacoity; that the offence falls within the prohibitory clause of Section 497(1) Cr.P.C.; that mere non-association of private witnesses is not fatal at bail stage; that identification parade is not a mandatory requirement in cases of recovery; that the earlier bail dismissal has attained finality; and that no fresh ground or changed circumstance has been shown to justify grant of bail.

5. Heard. Record perused.

6. Tentative assessment of the record reflects that the allegation of the prosecution, as set out in the FIR, is that the applicant along with a co-accused was found present near a motorcycle and five motorcycle chassis bearing Nos.153392, 304714, 164005, 220662 and 912646; that upon personal search of the applicant, only a purse containing cash amount of Rs.30/- and one mobile phone were allegedly recovered; and that some of the said chassis, upon checking through CPLC, were alleged to be

connected with other registered FIRs. It further appears that the alleged recovery has been shown through a joint memo and that no incriminating article directly linked with the offence under Section 412 P.P.C. has been recovered from the personal search of the applicant. The question whether the applicant had knowledge or reason to believe that the said chassis were stolen in the commission of dacoity, which is a necessary ingredient of Section 412 P.P.C., as well as the precise linkage of the recovered chassis with earlier FIRs, require determination through evidence.

7. At the bail stage, deeper appreciation of evidence is neither warranted nor permissible, and the Court is only required to form a tentative view on the basis of available material. The contentions regarding non-association of private witnesses, joint memo of arrest and recovery, non-recording of statements of complainants of other FIRs, and non-holding of identification parade are matters to be examined at trial. In these circumstances, the case falls within the ambit of further inquiry as envisaged under Section 497(2) Cr.P.C.

8. Accordingly, I admit the applicant to post-arrest bail in aforesaid crime/offence subject to furnishing by him solvent surety in the sum of Rs. 1,00,000/- (Rupees One Hundered Thousand only) and PR bond in the like amount to the satisfaction of the trial Court.

8. 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, in accordance with law.

JUDGE

Nadeem