

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2928 of 2025

Applicant : Qutub Uddin through Ms. Shazia Abbas,
Advocate
Respondent : The State
through Mr. Mohammad Noonari, DPG Sindh
Date of hearing : 15.01.2026
Date of order : 15.01.2026

ORDER

TASNEEM SULTANA, J.— Through this criminal bail application under Section 497 Cr.P.C., the applicant seeks post-arrest bail in Crime No.536 of 2025, registered at Police Station Alfalah, Karachi, under Sections 392, 397 and 34 P.P.C. The applicant was arrested on 26.09.2025; his earlier bail applications were declined by the learned IIIrd Additional Sessions Judge, Karachi (East), vide orders dated 06.10.2025 and 21.10.2025 respectively; hence, the present application.

2. Brief facts of the prosecution case, is that on 26.09.2025 at about 0650 hours, complainant Syed Mantosh Mohiuddin along with his friend Syed Asad Hashmi reached Ali Murtaza Masjid near Anwar Ibrahim at about 0710 hours on a motorcycle and while parking, two persons on a motorcycle wearing shalwar kameez came from the front; that one person wearing white colour shalwar kameez sitting at the rear seat came down from the motorcycle, took out his pistol, loaded the chamber, pointed it towards the complainant and snatched his iPhone 15 Pro Max blue colour without SIM card bearing IMEI Nos. (1) 351016863053253 and (2) 3551016863298239; that the accused escaped; that later on, through mobile location and CCTV footage, one accused wearing white shalwar kameez was traced; that on 26.09.2025 at about 1130 hours near Saeedi Masjid Gulshan Munir, the accused was apprehended, who disclosed his name as Qutub Uddin; and that legal action was requested.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated; that no robbed property or weapon was recovered from his possession; that the alleged recovery is conspicuously absent despite the allegation of armed robbery; that the FIR itself reflects unexplained delay; that the complainant allegedly apprehended the

accused without resistance and without police assistance, which renders the prosecution story inherently doubtful; that no independent witness from a thickly populated area was associated; that the alleged role is based on suspicion and subsequent identification; that the case squarely falls within the ambit of further inquiry under Section 497(2) Cr.P.C.; and that continued incarceration would serve no lawful purpose.

4. Per contra, learned DPG opposed the application, contending that the applicant is nominated in the FIR; that identification is supported by CCTV footage; that the offence under Section 397 P.P.C. is non-bailable; that previous bail applications were dismissed; and that no fresh ground has been made out for concession of bail.

4. Heard learned counsel, perused the record, and considered the submissions with anxious care.

5. A tentative assessment of the material available on record reflects that notwithstanding the allegation of snatching at gunpoint, neither the robbed mobile phone nor any weapon has been recovered from the possession of the applicant; such absence of recovery, particularly where the applicant is alleged to have been traced and apprehended within hours of the occurrence, prima facie weakens the prosecution version and diminishes the probative force of the allegation of armed robbery. It further transpires from the record that, according to the prosecution itself, the complainant claims to have traced the applicant by using mobile phone location and CCTV footage and thereafter produced him before the police; however, the incident is stated to have occurred on 26.09.2025 at about 07:10 hours, whereas the FIR was lodged on 27.09.2025 at about 00:40 hours, thereby giving rise to a question regarding the intervening period, the manner of tracing, apprehension and custody of the applicant prior to the formal registration of the FIR, an aspect which cannot be satisfactorily resolved without recording evidence. The prosecution version that the complainant himself apprehended the applicant, without resistance and without police assistance, prima facie appears to be an unnatural course of conduct and requires cautious scrutiny. Moreover, the alleged place of occurrence is stated to be a thickly populated area, yet no independent private witness has been associated, which at this stage detracts from the confidence-worthiness of the prosecution case. It also appears that while Section 397 P.P.C. has been invoked, the available material does not prima facie demonstrate recovery or use of a deadly weapon in a manner attracting the rigours of the said provision, rendering the applicability of the

prohibitory clause open to question and requiring deeper examination through evidence.

6. In the above circumstances, the case, at this stage, discloses features which require further inquiry within the contemplation of Section 497(2) Cr.P.C., and continued incarceration of the applicant would not advance the ends of justice.

7. It is a settled principle that bail is a rule and jail is an exception, and no person should be subjected to humiliation and disgrace through arrest when prima facie mala fide is apparent. Reliance is placed on **Tariq Bashir v. The State (PLD 1995 SC 34)**, **Muhammad Zubair v. The State (2019 SCMR 389)** and **Syed Imran Ali Shah v. The State (2020 SCMR 122)**.

8. In view of above facts and circumstances, instant bail application was allowed and the applicant was admitted to bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and P.R. bond in the like amount to the satisfaction of the trial Court. These are the reasons of my short order dated 15-01-2026.

9. The observations made hereinabove are tentative in nature and shall not prejudice the case of either party at trial.

JUDGE

Nadeem