

IN THE HIGH COURT OF SINDH, AT KARACHI

Criminal Bail Application No. 2109 of 2025

Applicants : Saaz Rehman through Mr.Zulfiqar Ali Hashmi, Advocate.

Complainant : Saeed Khan present in person.

Respondent : The State, through Mr.Mohammad Noonari, D.P.G.

Date of Hearing : 25.11.2025.

Date of Order : 25.11.2025.

O R D E R

TASNEEM SULTANA, J.:- The applicant seeks pre-arrest bail in Crime No.228 of 2025, registered at Police Station Ibrahim Hyderi, Karachi under sections 392, 397 and 34, PPC. His earlier bail pleas were declined by the Court of learned VIth Additional Sessions Judge, Malir, Karachi vide orders dated 28.07.2025 and 05.08.2025 respectively, hence this bail application for same relief.

2. Brief facts of the prosecution case, are that on 10.05.2025 at about 01:30 a.m., the complainant along with Muhammad Usman was travelling in his vehicle bearing No. JY-6395 towards Ibrahim Hyderi. When they reached near Juma Pulia, Rehri Road, it is alleged that four persons arrived from the backside on two motorcycles. Out of them, three persons were having muffled faces, while one person was not covering his face. It is alleged that on the strength of weapons they snatched cash amounting to Rs.11,000/-, two mobile phones and also took away the said vehicle, whereafter they fled away from the place of occurrence, leading to registration of the present FIR.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated due to mala fide and ulterior motives of the complainant with the connivance of the Investigating Officer; that the entire case against the applicant rests solely upon the disclosure of a co-accused; that the co-accused namely Jamshed Khan, Aamir Khan and Khan Afzal have already been granted bail by the trial Court; that the present

applicant was also granted bail by the trial Court, however, the same was subsequently declined owing to non-submission of the report regarding joining of investigation and the CRO; that no recovery of any looted property, weapon or vehicle has been effected from the applicant; that no identification parade was conducted; that the alleged incident took place on 10.05.2025 whereas the applicant was arrested after an inordinate and unexplained delay; that the FIR does not attribute any specific role to the present applicant regarding use of weapon or snatching of money; and that the applicant has no previous criminal record and is no longer required for investigation.

4. Conversely, learned DPG for the State opposed the bail and submitted that the applicant has been named by a co-accused apprehended by the police and that the complainant as well as prosecution witnesses in their statements under section 161, Cr.P.C. have supported the prosecution version.

5. Heard. Record pursued.

6. It appears that the prosecution case against the present applicant is primarily founded upon the disclosure statement of a co-accused, who was arrested subsequently by the police/Investigating Officer. Such statement, having been made before a police officer, is rendered inadmissible under Articles 38 and 39 of the Qanun-e-Shahadat Order, 1984, unless supported by independent and legally admissible corroborative material.

7. Furthermore, the co-accused, namely Jamshed Khan, Aamir Khan and Khan Afzal, have already been granted bail by the trial Court. The present applicant was also initially granted bail by the trial Court; however, owing to non-submission of the report regarding joining of investigation and the CRO, the said bail was subsequently declined, reflecting that such refusal was not on merits but on technical grounds. No recovery of the alleged snatched amount, mobile phones, vehicle, weapon or any other incriminating article has been affected from the applicant, nor was any identification parade conducted to connect him with the occurrence. The FIR does not assign any overt act or specific role to the present applicant; rather, his name surfaced subsequently on the disclosure of a co-accused. In these circumstances, the prosecution case, *prima facie*, rests upon doubtful and uncorroborated material and calls for further inquiry within the contemplation of section 497(2), Cr.P.C. Reliance is placed on the case of **Salman Mustafa & others v. The State through P.G. Punjab and another (2024 SCMR 148)** wherein the Honourable Supreme Court has held as under: -

"While considering the grounds agitated for enlargement on bail, whether pre-arrest or post-arrest, the atrociousness, viciousness and/or gravity of the offence are not, by themselves, sufficient for the rejection of bail where the nature of the evidence produced in support of the

indictment creates some doubt as to the veracity of the prosecution case. Therefore, where, on a tentative assessment, there is no reasonable ground to believe that the accused has committed the offence, and the prosecution case appears to require further inquiry, then in such circumstances the benefit of bail may not be withheld as a punishment to the accused."

8. In view of the above facts and circumstances, the interim pre-arrest bail already granted to the applicant/accused vide order dated 15.8.2025 is confirmed on the same terms and conditions by short order dated 25.11.2025 and these are the reasons for the same.

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

JUDGE