

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2658 of 2025

Applicant : Waqas through Mr.Mohammad Shair Khan, Advocate.

Complainant : Syed Ahmed Hussain Present in person.

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

Date of Hearing : 10.12.2025.

Date of Order : 17.12.2025.

ORDER

TASNEEM SULTANA, J:- Through this Criminal Bail Application, applicant Waqas is seeking post arrest bail in Crime No. 358 of 2025 registered with P.S Nazimabad, Karachi for offence under Sections 397, 353, 324, 34 PPC. Earlier same relief was availed by the applicant which was declined vide order dated 16.9.2025 passed by the learned Additional Sessions Judge-I/MCTC-I, Karachi Central

2. The details of the prosecution story are already mentioned in the memo of bail application and FIR, copy whereof is annex hereto, therefore, the same need not to be reproduced herein.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and that the prosecution's case is based on concocted facts; the entire story narrated in the FIR is false and fictitious, and that police officials opened fire without provocation when the applicant and his friend were traveling on a motorcycle; the complainant failed to disclose the duration/time of counter-firing; police failed to collect bullet empties from the spot; no independent witness from the locality was associated in violation of Section 103 Cr.P.C; all prosecution witnesses are police officials, and no effort was made to arrange private mashirs; the case requires further inquiry, and the applicant is entitled to bail.

4. Conversely, learned Deputy Prosecutor General for the State opposes the bail application, contending that the allegedly snatched mobile phone and cash were recovered from co-accused Sajid; unlicensed weapons were recovered from the spot; prosecution

witnesses have supported the complainant's version in their statements under Section 161 Cr.P.C, therefore, the bail application merits dismissal.

5. Heard. Record perused.

6. Allegation against the applicants that they robbed mobile phone and wallets from the complainant and his friend when police party reached there who, on being reported about robbery, chased the accused who engaged in cross firing with police in which accused having received firearm injuries fell down and they were apprehended and recoveries of 30 bore pistols without license as well as robbed property viz. mobile phones and wallets were effected from their possession.

7. It appears that sufficient material is available on record to connect them with the commission of crime. This is a crime against society, hence applicant can not be extended leniency when at this stage, he has failed to make out a case of further enquiry.

7. For what has been discussed above, I am of the considered view that applicant has failed to make out case for concession of bail. Consequently, instant pre arrest bail application is dismissed. Interim pre arrest bail already granted to the applicant is hereby recalled.

8. It is clarified that the observations made herein are tentative and for the limited purpose of deciding the instant bail application. They shall not prejudice either party during trial, and the trial court shall decide the case on its own merits in accordance with law.

JUDGE