

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 561 of 2026

Applicant : Kamran, Zain-ul-Abidin and Aamir through
Mr. Muhammad Hanif, Advocate.

Respondent : The State through Mr. Mumtaz Ali Shah,
Addl. P.G.

Date of hearing : 31.03.2026

Date of order : 31.03.2026

ORDER

TASNEEM SULTANA-J.:- Through this criminal bail application, the applicants namely Kamran, Zain-ul-Abidin and Aamir seek post-arrest bail arising out of Crime No.29 of 2026, registered at Police Station Sharafi Goth, Karachi, for offences punishable under Sections 147, 148, 149, 337-A(i), 337-F(i), 504, 427, 324 PPC read with Sections 395 and 364-A PPC. Their earlier Criminal Bail Application No.652 of 2026 having been dismissed by the learned Additional Sessions Judge-II, Malir Karachi vide order dated 09.02.2026, hence this application for the same concession.

2. Brief facts of the prosecution case are that on 20.01.2026, the complainant received information from his home that his minor son Bilal, aged about 6/7 years, had allegedly been taken away by co-accused Waqas son of Haider Baloch along with an unknown companion from Baran Goth. Upon receiving such information, the complainant along with Abdul Aziz and Gul Taj proceeded to the house of Haider Baloch situated at Baran Goth in search of the child, where the present applicants along with co-accused persons were allegedly found present. It is alleged that upon inquiry regarding the minor child, the accused persons became annoyed, abused the complainant party and subjected them to kicks, fists, sticks and iron rod blows, resulting in injuries to the complainant and his companions, besides allegedly taking away their motorcycle. Consequently, the present F.I.R. came to be lodged against the accused persons.

3. Learned counsel for the applicants contended that the applicants are innocent and were roped in in the present case on account of matrimonial and family dispute between the parties; that the wife of co-accused Waqas is paternal cousin of the complainant and domestic differences between the families led to registration of the present case; that recovery of the kidnapped child was neither effected from possession nor from the house of the applicants and, therefore, offence under Section 364-A, P.P.C. is not attracted against them; that specific role constituting robbery or dacoity has not been attributed to the applicants and even the robbed articles or

valuables have not been described in the F.I.R., therefore, provisions of Section 395, P.P.C. have merely been incorporated to aggravate the matter; that the complainant party itself proceeded to the house of the accused persons where the alleged altercation took place and the applicants were present in their own house; that the injuries attributed to the complainant side are simple in nature and medico legal certificate does not prima facie attract the prohibitory clause; therefore, the applicants are entitled to concession of bail.

4. Conversely, learned Assistant Prosecutor General, assisted by learned counsel for the complainant, contended that the applicants are specifically nominated in the F.I.R. with assigned roles; that the complainant party was subjected to kicks, fists, sticks and iron rod blows at the hands of the accused persons; that the ocular account furnished by the prosecution finds support from the medical evidence available on record; that during investigation Section 364-A, P.P.C. was incorporated after recovery of the minor child; that the applicants formed part of the unlawful assembly and actively participated in the commission of the alleged offence; therefore, the applicants do not deserve concession of bail.

5. I have heard learned counsel for the applicants, learned counsel for the complainant as well as learned Assistant Prosecutor General Sindh and have gone through the material available on record with their able assistance.

6. Perusal of the record reflects that the applicants are specifically nominated in the F.I.R. with distinct and participatory roles in the alleged occurrence. The ocular account furnished by the prosecution prima facie finds support from the medical evidence available on record whereby injured Abdul Aziz sustained injury on nasal bone, subsequently declared as Shajjah-e-Munqilah, whereas injured Gul Taj sustained injury near the eye declared as Shajjah-e-Khafifah. The statements of injured witnesses recorded under Section 161, Cr.P.C. also provide tentative support to the prosecution version. The pleas raised by learned counsel for the applicants regarding matrimonial dispute, false implication and improper application of penal provisions involve disputed questions of fact requiring deeper appreciation of evidence, which cannot safely be undertaken at bail stage.

7. The record further reflects that information regarding taking away of the minor child was reported promptly to the police and during course of investigation the child was allegedly recovered, whereafter Section 364-A, P.P.C. was incorporated in the case. At this tentative stage, sufficient incriminating material is available on record reasonably connecting the applicants with commission of the alleged offence. It is by now well settled that at bail stage only a tentative assessment of the material collected during investigation is to be undertaken and deeper appreciation of evidence is not permissible. The offences alleged against the applicants fall within the prohibitory clause of Section 497, Cr.P.C. and no case for further inquiry within the contemplation

of Section 497(2), Cr.P.C. has been made out. Consequently, the instant Criminal Bail Application is dismissed.

8. Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice the learned trial Court while deciding the case on its own merits.

JUDGE

Nadeem Qureshi *PA*