

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.645 of 2026

Applicants : Bilal Ahmed & Munir Ahmed,
Through Mr. Rasheed Ashraf,
advocate

Complainant : Abdul Jabbar through Mr. Irshad
Ahmed Jatoi, Advocate

The State : The State through Mr. Sharaf-ud-Din
Kanhari, A.P.G., Sindh

Date of hearing : 25.05.2026

Date of Order : 25.05.2026

ORDER

Jan Ali Junejo, J.- Through this order, I intend to decide the instant application for post-arrest bail preferred by the applicants, Bilal Ahmed and Munir Ahmed, in connection with Crime No. 483 of 2025 registered at Police Station Gadap City, Karachi, for offences punishable under Sections 392 and 397 of the Pakistan Penal Code. It is noted that the applicants had earlier filed Criminal Bail Application No. 4945 of 2025, which was dismissed by the learned VIIIth Additional Sessions Judge, Malir, Karachi, vide order dated 23.10.2025.

2. Briefly stated, as per the prosecution case set out in FIR No.483 of 2025 lodged by complainant Abdul Jabbar on 29.06.2025, the complainant along with his friends namely Saif-ur-Rehman, Muhammad Malook and Muhammad Hanif was returning from Islamabad to Karachi in a Honda Civic motorcar. Upon reaching Motorway M-9 near Sitara Hilal Hotel, Gadap City, Karachi, four unknown armed persons riding on two motorcycles allegedly intercepted their vehicle, compelled them at gunpoint to alight from the vehicle and deprived them of cash, wallets, CNICs, ATM cards, a mobile phone, a Zong internet device and other articles. The accused persons thereafter fled away from the scene. The FIR was registered against unknown culprits.

3. Learned counsel for the applicants contended that the applicants are innocent and have falsely been implicated in the present case. He submitted that the FIR was lodged with considerable delay and against

unknown persons without assigning any description or identity of the alleged offenders. According to learned counsel, the names of the applicants do not transpire in the FIR and their implication rests solely upon their alleged disclosure while in police custody in another case, which disclosure is legally inadmissible. He further argued that no lawful identification parade was conducted connecting the applicants with the commission of the alleged offence; that the alleged recovery is insignificant and does not independently connect the applicants with the crime; that the ingredients of Section 397 PPC are not attracted; that the applicants have remained behind bars for a considerable period and the trial is not likely to conclude in the near future. Learned counsel lastly submitted that the previous bail application before this Court was dismissed for non-prosecution due to non-appearance of their former counsel, which circumstance was beyond the control of the applicants, and therefore the present application is maintainable. He prayed for grant of post-arrest bail.

4. Conversely, learned counsel for the complainant vehemently opposed the bail application and argued that the applicants are involved in a serious offence of highway robbery committed at gunpoint. He submitted that recoveries were effected from the possession of the applicants and that the material collected during investigation sufficiently connects them with the offence. According to learned counsel, the applicants are also involved in another case of similar nature, showing their criminal propensity. He contended that the offence carries severe punishment and no case for grant of bail is made out. He therefore prayed for dismissal of the application.

5. Learned A.P.G. adopted the arguments advanced by learned counsel for the complainant and opposed the grant of bail. He submitted that the investigation has resulted in submission of challan against the applicants and there are sufficient grounds connecting them with the commission of the offence. He argued that the allegations pertain to an armed robbery attracting the provisions of Sections 392 and 397 PPC and, therefore, the applicants do not deserve the concession of bail. He prayed that the application be dismissed.

6. I have heard learned counsel for the parties and examined the available record with their able assistance. At the outset, it is noted that the present FIR was lodged against four unknown persons. Neither the names nor any distinguishing features of the alleged culprits were disclosed in the FIR. The applicants were not nominated therein. Their

subsequent implication appears to have surfaced during investigation after their arrest in another criminal case registered at the same police station. A tentative assessment of the material available on record reflects that the prosecution case against the applicants primarily rests upon their alleged disclosure while in custody in another case and the recoveries allegedly associated therewith. At the bail stage, the evidentiary value and legal effect of such material are matters requiring deeper examination during trial. The record further reveals that no identification parade appears to have been conducted whereby the complainant and other witnesses could identify the applicants as perpetrators of the occurrence. In a case initially registered against unknown persons, such aspect assumes significance for purposes of tentative assessment.

7. It is also noticeable that the occurrence allegedly took place on 28.06.2025 whereas the FIR came to be registered in the early hours of 29.06.2025. Whether such delay stands satisfactorily explained or otherwise is a matter to be determined during trial; however, for the purposes of bail, the same constitutes a circumstance which cannot be ignored altogether.

8. The record further shows that the applicants have remained incarcerated since their arrest and the trial has yet to conclude. Nothing has been pointed out indicating that the delay in conclusion of trial is attributable to the applicants. It is a settled principle that where the material available on record calls for further probe into the guilt of an accused person, the benefit of such tentative assessment is to be extended at the bail stage in terms of Section 497(2), Cr.P.C. As regards the maintainability of the present application, it appears that the earlier bail application before this Court was dismissed for non-prosecution owing to the absence of the learned counsel then engaged by the applicants. The applicants themselves remained confined in jail and there is nothing on record to suggest that they intentionally abandoned the proceedings. In the circumstances, the present application cannot be rejected merely on that score.

9. Without delving into the deeper merits of the prosecution evidence, lest any observation made at this stage may prejudice either side at the trial, I am of the tentative view that the case of the applicants calls for further inquiry within the contemplation of Section 497(2), Cr.P.C. Consequently, the applicants have succeeded in making out a case for the grant of post-arrest bail.

10. For the foregoing reasons, this Criminal Bail Application is allowed. The applicants Bilal Ahmed son of Nazeer Ahmed and Munir Ahmed son of Nazeer Ahmed are admitted to post-arrest bail in Crime No.483 of 2025 registered under Sections 392/397 PPC at Police Station Gadap City, Karachi, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each and a P.R. bond in the like amount to the satisfaction of the learned trial Court. It is clarified that the observations made hereinabove are tentative in nature and shall not prejudice the final outcome of the trial. These are the detailed reasons of the Short Order dated: 25.05.2026.

JUDGE

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