

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No.636 of 2026

Cr. Bail Application No.637 of 2026

Applicant : Muhammad Wahid, through Mr. Azizullah Kumbhar, Advocate, in both bail applications.

Complainant : Syed Ubaid Ali, through Mr. S.M. Yousuf, Advocate, in Criminal Bail Application No.636 of 2026.

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

Date of hearing : 21.05.2026

Date of short order : 21.05.2026

O R D E R

TASNEEM SULTANA, J.— Through this common order, I intend to dispose of the above-captioned bail applications whereby applicant Muhammad Wahid seeks post-arrest bail in connected FIRs bearing Crime No.625 of 2025 under Sections 397, 353, 324, 186 and 34, P.P.C., and Crime No.626 of 2025 under Section 23(1)(a) of the Sindh Arms Act, 2013, both registered at Police Station Jamshed Quarters, Karachi. The applicant's earlier Criminal Bail Applications No.5701 and 5702 of 2025 were dismissed by the learned Additional Sessions Judge-XIV, Karachi East, vide orders dated 28.11.2025; hence, the present applications for the same concession.

2. Brief facts of the prosecution case are that the complainant stated that on 05.09.2025, he, along with his friend Muhammad Ali, was proceeding to his office on a motorcycle when, at about 0415 hours, upon reaching Jahangir Road Cut near Kanz-ul-Eman Masjid, Gurumandir, Karachi, two armed young persons, aged about 20/25 years and riding a motorcycle, intercepted them. The pillion rider took out a pistol, pointed it at the complainant and took away a fibre-jointing machine. In the meanwhile, a police mobile of Police Station Jamshed Quarters, headed by S.I. Abdul Aziz, arrived there. The complainant disclosed the occurrence to him, whereupon the police party chased the accused persons and signalled them to stop. The pillion rider, with intent to kill, opened fire upon the police party, which returned fire, as a result whereof he sustained a firearm injury on his left leg; however, both accused succeeded in fleeing under the cover of darkness. The police recovered three empties of 9mm pistol from the place of occurrence, secured the official 9mm pistol and prepared the relevant memo

in the presence of the complainant and P.C. Syed Jawad. Consequently, the FIR was lodged against the unknown accused persons.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present cases with mala fide intention; that the applicant was not nominated in the main FIR and no direct evidence is available on record connecting him with the commission of the alleged offence; that despite registration of the FIR against unknown accused persons, identification parade was not conducted during investigation; that the alleged recovery of the robbed property and 30-bore pistol has been foisted upon the applicant by the police; that the recovery proceedings were conducted in violation of Section 103, Cr.P.C., as no independent mashir from the locality was associated despite availability; that no robbed cash amount, mobile phone or any other incriminating article was recovered from the possession of the applicant; that the applicant is no longer required for investigation, the challan has already been submitted and there is no likelihood of his absconding or tampering with the prosecution evidence; lastly, he prayed for grant of post-arrest bail to the applicant.

4. Conversely, learned D.P.G., assisted by learned counsel for the complainant, opposed the bail applications and contended that the robbed property was recovered from the possession of the applicant and co-accused persons, which was found to be the case property of the main FIR; that one 30-bore pistol with live rounds was allegedly recovered from the possession of the applicant at the time of arrest; that the recovery of the robbed property as well as the unlicensed weapon sufficiently connects the applicant with the commission of the alleged offences; that the offences alleged against the applicant are serious in nature and fall within the prohibitory clause of Section 497, Cr.P.C.; lastly, they prayed for dismissal of the bail applications.

5. Heard. Record perused.

6. It appears from the record that the FIR was lodged against unknown accused persons without attributing any specific description or identifying feature to the culprits. The applicant was subsequently implicated during investigation, yet his identity as one of the perpetrators was not tested through an identification parade. The prosecution case against him thus rests mainly upon the subsequent recovery of the robbed property and one 30-bore pistol allegedly effected from his possession at the time of arrest. At this tentative stage, the alleged recovery of the robbed property, in the absence of identification evidence, may prima facie attract Section 412, P.P.C.; however, whether the applicant had participated in the commission of the offence punishable under Section 397, P.P.C., or whether his liability, if any,

is confined to an offence under Section 412, P.P.C., can only be determined after recording evidence at trial. The evidentiary value and legal effect of the alleged recoveries also require deeper appreciation. Thus, the identity and participation of the applicant in the alleged occurrence remain matters of further inquiry within the meaning of Section 497(2), Cr.P.C.

7. It further appears that connected FIR No.626 of 2025 under Section 23(1)(a) of the Sindh Arms Act, 2013, is based upon the alleged recovery of one 30-bore pistol with live rounds from the possession of the applicant. The alleged recovery was effected by police officials alone from a public place and no private mashir from the locality was associated in the recovery proceedings despite availability, thereby prima facie attracting the provisions of Section 103, Cr.P.C. At this tentative stage, the veracity and evidentiary value of the alleged recovery also require deeper appreciation at trial.

8. In view of the above facts and circumstances, the applicant has made out a case for further inquiry within the meaning of Section 497(2), Cr.P.C. Consequently, both bail applications were allowed, and the applicant was admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) in each case and P.R. bond in the like amount to the satisfaction of the learned trial Court, vide short order dated 21.05.2026. These are the reasons for the said short order.

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

JUDGE