

# THE HIGH COURT OF SINDH KARACHI

Criminal Bail Application No. 1217 of 2026

Applicant/Accused : Nizamdin Khoso son of Ali Raza Khoso through Mr. Aijaz Ali Siyal, Advocate.

The State : Through Mr. Rashid Ahmed Gabol, Assistant Prosecutor General Sindh.

Date of hearing : 04-05-2026

Date of order : 04-05-2026

## ORDER

**Nisar Ahmed Bhanbhro, J.** - The Applicant/accused seeks post-arrest bail in FIR No.245 of 2026, under sections 397 and 34 PPC, registered at Police Station, Gulistan-e-Jauhar, Karachi, after the same was declined by the Additional Sessions Judge-IV, Karachi (East) by order dated 13.04.2026.

2. Succinctly, the facts of the case are that on 19.03.2026, the complainant namely Wasif Rafiq son of Muhammad Rafiq lodged an FIR at Police Station Gulistan-e-Jauhar, Karachi, alleging commission of robbery. It is stated therein that the complainant resides at the address mentioned in FIR and is engaged in the poultry business. On the aforesaid date at about 12:30 a.m., the complainant along with his co-workers, namely Siraj and Naeem, was proceeding towards his residence on a motorcycle (Honda 125) after collecting cash amounting to Rs.60,6000/- from shopkeepers. When they reached near the main road adjacent to the nala in Block-10, Gulistan-e-Jauhar, Karachi, at about 00:30 hours, four unknown armed persons, riding on motorcycles, intercepted them. At gunpoint, the complainant and his companions were forced to fall from the motorcycle, and the said unknown persons snatched the cash amount of Rs.60,6000/- and fled from the scene. The complainant thereafter made a call at helpline 15 and, after consultation with his elders, got the FIR registered against unknown accused persons.

3. Heard learned counsel, Assistant Prosecutor General, Sindh and perused the material available on record.

4. Admittedly, the name of the present applicant/accused does not find mention in the FIR. As per the version of the complainant, four unknown persons had intercepted and deprived him of an amount of Rs.

6,060,000/-. However, according to the report submitted under Section 173 Cr.P.C., the complainant along with his witnesses subsequently nominated the present accused and produced them before the police. It is further noted that no incriminating article was recovered from the possession of the accused. Moreover, there appears to be a material inconsistency between the statements recorded under Sections 161 Cr.P.C. and 164 Cr.P.C., which *prima facie* creates doubt and calls for further inquiry into the prosecution case.

5. It further transpires that no identification parade has been conducted to ascertain the identity of the accused person, nor has any recovery been affected from his possession. It is also evident that Section 397 PPC appears to have been misapplied, as per the complainant's own version wherein the number of accused persons is stated to be four. In the given circumstances, the case against the Applicant/accused is one of further enquiry falling within the ambit of sub-section (2) of section 497 Cr.P.C.

6. For the foregoing reasons, the Applicant/accused namely, Nizamdin Khoso is granted post-arrest bail in FIR No.245 of 2026, under sections 397 and 34 PPC, registered at Police Station, Gulistan-e-Jauhar, Karachi subject to furnishing solvent surety in the sum of **Rs. 50,000/-** [Rupees Fifty Thousand Only] alongwith P.R. Bond in like amount to the satisfaction of the trial Court. The Applicant/accused shall be released forthwith, if not required in any other case.

Needless to state that observations herein are tentative and nothing herein shall be construed to prejudice the case of either side at trial.

PS/SADAM\*

**JUDGE**