

# IN THE HIGH COURT OF SINDH AT KARACHI

## Criminal Bail Application No.1049 of 2026

Applicant : Muhammad Imran son of Shahbaz,  
through Mr. Muhammad Sharif Dars, Advocate

Respondent : The State  
Through Mr. Muhammad Mohsin Mangi, Asst.  
P.G Sindh.

Date of hearing : 18.05.2026

Date of order : 18.05.2026

## **ORDER**

**KHALID HUSSAIN SHAHANI, J.** – Through the instant Criminal Bail Application, the applicant Muhammad Imran seeks post-arrest bail in Crime No.1196 of 2025, registered under Sections 397/34 PPC at Police Station Ferozabad, Karachi.

2. The brief facts of the prosecution case, as disclosed in the FIR, are that on 11.12.2025 at about 03:20 a.m., the complainant Hassan son of Aijaz Ali, along with his maternal uncles namely Aamir Ali and Abdul Basit, was returning home when two unknown accused persons, riding a motorcycle and armed with weapons, intercepted them near Char Hai Jail Chorangi Bridge, Shahrah-e-Faisal, Karachi, and deprived them of mobile phones, a laptop, cash and other articles at gunpoint, before fleeing the scene. Consequently, the FIR in question was registered against unknown accused persons.

3. Learned counsel for the applicant contended that prior to the registration of the instant FIR, the applicant had already been arrested by the police in separate cases bearing Crime No.1186 of 2025 under Sections 353, 324 and 34 PPC, and Crime No.1118 of 2025 under Section 23(i)(a) of the Sindh Arms Act, 2013, both arising out of the same episode, wherein the applicant had sustained firearm injuries during an alleged police encounter. He contended that despite the applicant's prior arrest in the aforesaid cases on the selfsame day, no identification parade was conducted before any competent Court of law in the instant matter, even though the present FIR was registered on the same day at 1900 hours. It was further argued that the police, having acted with highhandedness by conducting an encounter with the applicant, thereafter managed the present case to safeguard their own conduct. Learned counsel further brought to the notice of this Court that the applicant has already been

admitted to post-arrest bail by this Court in the said connected cases, specifically BA No. 81 of 2026, in Crime No.1186 of 2025 under Sections 353/324/34 PPC; and BA No. 82 of 2026, in Crime No.1118 of 2025 under Section 23(i)(a) of the Sindh Arms Act, 2013.

4. Conversely, learned APG for the State opposed the grant of bail; however, he candidly conceded that no identification parade of the applicant was held before any competent Court of law in the instant matter.

5. Heard learned counsel for the parties and perused the material available on record.

6. Admittedly, the FIR in question was registered against unknown accused persons and the applicant was not nominated therein by name. It is a settled principle of law, as authoritatively laid down by the Honourable Supreme Court of Pakistan, that where the accused is not named in the FIR, the holding of an identification test parade is not only necessary but mandatory, as it serves as a safeguard against false implication and constitutes a material piece of evidence against the genuinely culpable. In *Farman Ali v. The State*<sup>1</sup>, the Supreme Court held:

*"Holding of identification test becomes necessary in cases where names of the culprits are not given in the FIR. Holding of such test is a check against false implication and it is a good piece of evidence against the genuine culprits."*

7. This principle has been consistently followed and reiterated. In *Muhammad Rafique v. The State*<sup>2</sup>, it was held that where the accused is not named in the FIR and no identification parade has been held, the accused becomes entitled to the concession of bail, as the case is rendered one of further inquiry. Similarly, in the case of *Muhammad Suleman v. Riasat Ali and another*<sup>3</sup>, the failure of the prosecution to hold an identification parade was held to render the case one of further inquiry within the meaning of Section 497(2) Cr.P.C., entitling the accused to bail at that stage.

8. In the present case, despite the applicant's arrest prior to the registration of the instant FIR, in offshoot cases arising from the very same episode, no identification parade was conducted before a competent Court of law, a fact that has even been conceded by the learned APG. The neglect of this crucial procedural safeguard seriously impairs the

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<sup>1</sup> 1997 SCMR 971

<sup>2</sup> 1997 SCMR 412

<sup>3</sup> 2002 SCMR 1304

prosecution's case at this stage and renders the identity of the applicant vis-à-vis the present offence doubtful. It is also a matter of record that in the connected cases bearing Crime No.1186 of 2025 and Crime No.1118 of 2025, the applicant has already been admitted to post-arrest bail by this Court vide BA No. 81 of 2026 and BA No. 82 of 2026 respectively.

9. At this stage, it cannot tentatively be determined with any certainty whether the applicant Muhammad Imran was actually involved in the commission of the alleged offence, as the same requires a deeper appreciation of evidence which can only be undertaken at the time of trial. The case of the applicant tentatively falls within the ambit of further inquiry under Section 497(2) Cr.P.C., and the applicant is no longer required for further investigation in the instant matter.

10. In view of the foregoing, in light of the non-holding of the identification parade despite the accused not being named in the FIR, the settled law expounded in *Farman Ali v. The State*<sup>4</sup>, *Muhammad Rafique v. The State*<sup>5</sup> and *Muhammad Suleman v. Riasat Ali and another*<sup>6</sup>, and taking cognizance of the prior bail already extended to the applicant in the connected cases, the applicant is admitted to post-arrest bail subject to furnishing a solvent surety in the sum of Rs.50,000/- and a P.R. Bond in the like amount, to the satisfaction of the learned trial Court.

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

**J U D G E**

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<sup>4</sup> 1997 SCMR 971.

<sup>5</sup> 1997 SCMR 412.

<sup>6</sup> 2002 SCMR 1304.