IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 1285 of 2026

Applicant	:	Sajjad Khan son of Dilawar Khan Through Mr. Zulfiqar Ali Shaikh, advocate
Complainant	:	Muhammad Siddiq son of Allah Yar Through Mr. Liaquat Ali Khan advocate.
The State	:	The State: Through Ms. Najma Latif Golo, A. P. G. Sindh
Date of hearing	:	15.10.2026.
Date of Order	:	15.10.2026.

O R D E R

Jan Ali Junejo, J:- Through this order, I intend to decide the instant post-arrest bail application filed under Section 497 Cr.P.C. by the applicant Sajjad Khan son of Dilawar Khan, who seeks his release on bail in connection with FIR No.1046 of 2023 registered at Police Station Shah Latif Town, Karachi for the offences punishable under Sections 302/460/397/34 PPC. The applicant has approached this Court being aggrieved by the order dated 26.03.2026 passed by the learned Additional Sessions Judge-VIII, Malir at Karachi whereby his bail application was declined.

2. Briefly stated, the prosecution case as reflected in the FIR is that the complainant Muhammad Siddique resides at the given address given in the above column No.2 and is a construction contractor. On 28.08.2023, at about 10:00 p.m., he, alongwith Ghulam Yaseen, Abdul Malik, Muhammad Yaqoob, and Manzoor was present at his house when some culprits armed with weapons, entered the house detained them and snatched cash amounting to Rs.2,000/-, a colour copy of a CNIC, a purse containing Rs.4,000/-, another colour copy of a CNIC, a touchscreen mobile phone, and cash amounting to Rs.2,500/-. While the culprits were

attempting to flee, his nephew Muhammad Yaqoob son of Manzoor Ahmed aged about 25 years caught hold of one of the accused. Upon resistance, one of the accused opened fire at his nephew causing firearm injuries as a result of which he fell to the ground. Meanwhile, other relatives arrived to assist, and the police also reached the spot. The apprehended accused was handed over to SIP Ahsan Shar, who upon inquiry disclosed his name as Sajjad son of Dilawar and recovered one 9mm pistol with a loaded magazine from his possession. The said accused further disclosed the names of his accomplices as (1) Kashif son of an unknown person, (2) Nawab son of Muhammad Qasim and (3) Abdul Waqar son of Muhammad Qasim. The complainant took his nephew Muhammad Yaqoob to the hospital, where he unfortunately succumbed to his injuries. Hence, the FIR was registered under Sections 392, 397, 302, and 34 PPC.

3. Learned counsel for the applicant contends that the impugned order dated 26.03.2026, passed by the learned VIIIth Additional Sessions Judge, Malir, Karachi, in Bail Application arising out of S. Case No.2898/2023, suffers from illegality and material irregularities, as the learned trial Court dismissed the bail application without properly appreciating the material facts and circumstances of the case. He submits that the applicant is innocent and has been falsely implicated in the present case due to mala fide intentions and ulterior motives, and that his involvement in the alleged offence is highly doubtful. He further contends that, despite the alleged incident having occurred in a densely populated area, the complainant failed to produce any independent eyewitness, and nothing was recovered from the possession of the applicant at the time of his arrest. Learned counsel argues that there are no reasonable grounds to believe that the applicant committed the alleged offence and that the case calls for further inquiry. He further submits that the learned trial Court wrongly attributed the delay in the conclusion of the trial to the applicant, whereas, as reflected in the diary sheet annexed with the instant application, only one adjournment was sought on his behalf, while on several other dates the learned Presiding Officer was on leave, no prosecution witness was present, and the adjournments were sought on behalf of co-accused Abdul Waqar. He maintains that, despite the issuance of bailable warrants against the prosecution witnesses, only

witness Manzoor Ahmed appeared on two or three dates of hearing. Learned counsel, therefore, contends that the delay in the conclusion of the trial is not attributable to the applicant or his counsel and that the applicant is entitled to the concession of bail on the ground of statutory delay. He further submits that the applicant is neither a hardened, desperate, nor habitual offender, is a permanent resident of Karachi, and there is no likelihood of his absconding or evading the trial. He undertakes that the applicant is ready and willing to furnish solvent surety to the satisfaction of this Honourable Court and prays that the impugned order be set aside and the applicant be admitted to bail. He placed his reliance on the case law reported as 2022 SCMR 01, PLD 2017 SC 147, PLD 2012 Sindh 147, 2024 SCMR 28 and 2026 SCMR 1076.

4. Learned counsel for the complainant vehemently opposes the bail application and submits that the contention of learned counsel for the applicant regarding statutory delay is contrary to the report submitted by the learned trial Court. He contends that, as per the said report, after the framing of the amended charge on 14.04.2025, the evidence of prosecution witnesses could not be recorded on seven consecutive dates due to the non-appearance of the learned defence counsel representing accused Sajjad Khan. He further submits that the evidence of PW-2 Manzoor Ahmed was partly recorded on 13.04.2026; however, further examination-in-chief was deferred at the request of learned defence counsel. He argues that the delay in the conclusion of the trial is therefore, substantially attributable to the applicant and his counsel. Learned counsel, therefore, contends that the applicant cannot claim the benefit of statutory delay by attributing the entire delay to circumstances beyond his control, particularly when the proceedings were hampered by the repeated non-appearance of his counsel. He submits that the impugned order passed by the learned trial Court does not suffer from any illegality or material irregularity warranting interference by this Honourable Court and prays that the bail application be dismissed.

5. Learned APG echoing the arguments of the complainant's counsel regarding the defense's role in causing delay. She also opposed the grant of bail to the applicant, asserting that sufficient material has been collected during investigation connecting the accused with the offence, and thus, the case does not fall within the ambit of further inquiry.

6. I have heard learned counsel for the applicant, learned counsel for the complainant, and learned APG for the State, and have carefully examined the material available on record, including the report submitted by the learned trial Court regarding the progress of the trial and the causes of delay in its conclusion.

7. The record reflects that the applicant is facing trial in a serious case involving allegations of robbery and murder, wherein the deceased Muhammad Yaqoob allegedly sustained firearm injuries while attempting to apprehend one of the culprits during the occurrence. The applicant was allegedly apprehended at the spot and handed over to the police, whereafter a 9mm pistol with a loaded magazine was recovered from his possession. The prosecution further alleges that the applicant disclosed the names of his accomplices. At this tentative stage, the prosecution case cannot be brushed aside merely on the grounds urged by learned counsel for the applicant, particularly when the evidentiary worth of the prosecution witnesses and the circumstances surrounding the alleged recovery are matters to be examined during trial. The contention that no independent eyewitness has been produced, by itself, is not sufficient to discard the prosecution case at the bail stage, particularly when the complainant and other witnesses are stated to have been present at the time of the occurrence. The question of whether the available evidence ultimately establishes the applicant's guilt is to be determined by the learned trial Court after recording and appreciating the evidence in accordance with law.

8. As regards the plea of statutory delay, the report furnished by the learned trial Court assumes significance. It reveals that, following the framing of the amended charge on 14.04.2025, the evidence of prosecution witnesses could not be recorded on seven consecutive dates owing to the non-appearance of the learned defence counsel representing the applicant. The report further reflects that on 13.04.2026 the evidence of PW-2 Manzoor Ahmed was partly recorded but the further examination-in-chief was deferred at the request of the learned defence counsel. Although the report also acknowledges that the suspension of court work, strikes called by the Malir Bar Association, and the transfer of the learned Presiding Officer, resulting in the Court remaining vacant since 17.04.2026, contributed to the delay, these circumstances do not efface the specific

instances of delay attributed to the defence. Consequently, the assertion of learned counsel for the applicant that the delay is wholly attributable to circumstances beyond the applicant's control is not borne out by the report of the learned trial Court. The diary sheet relied upon by the applicant's counsel cannot be considered in isolation when the report of the learned trial Court specifically identifies repeated non-appearance of the defence counsel as one of the principal causes of delay. The statutory concession of bail on the ground of delay is not automatic; the relevant statutory requirements, including the period of detention, the stage of proceedings, and the exclusions applicable to delay attributable to the accused or his counsel, must be examined in the light of the material available on record. In the present case, the delay attributable to the defence constitutes a material circumstance against the applicant's claim for such concession.

9. Furthermore, the seriousness of the accusation, the nature of the alleged occurrence, and the material collected during investigation do not, at this stage, persuade this Court to extend the extraordinary concession of bail to the applicant. The authorities relied upon by learned counsel for the applicant have been considered; however, the entitlement to bail must be determined in the light of the facts and circumstances of each case and the applicable statutory provisions.

10. For the foregoing reasons, I am of the considered view that the applicant has failed to make out a case for interference with the impugned order dated 26.03.2026 passed by the learned Additional Sessions Judge-VIII, Malir, Karachi. Accordingly, the instant post-arrest bail application is dismissed. Needless to observe that the observations made herein are tentative in nature and shall not prejudice either party at the trial. The learned trial Court is directed to proceed with the trial expeditiously, in accordance with law, ensuring that unnecessary adjournments are avoided and that the prosecution witnesses are examined without undue delay.

JUDGE