

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1477 of 2026

Applicant : Muhammad Ali Raza son of Nadeem Hussain through Mr. Shahid Hussain, Advocate

Respondent : The State through Ms. Najma Latif Golo, Assistant Prosecutor General, Sindh along with SIP-Abdul Khaliq and SIP-Ameer Baksh of Police Station Aziz Bhatti, Karachi

Date of hearing : 20.08.2026

Date of decision : 20.08.2026

ORDER

Jan Ali Junejo, J.- Through the instant bail application, Applicant-Muhammad Ali Raza son of Nadeem Hussain, seeks the concession of post-arrest bail in connection with FIR No.293 of 2025, registered under Sections 397/34, PPC, at Police Station Aziz Bhatti, Karachi. His earlier bail application was dismissed by the learned Additional District & Sessions Judge-I, Karachi East, *vide* Order dated 06.05.2026.

2. The brief facts of the prosecution case, as narrated in the FIR, are that the complainant is residing at the address mentioned therein and is running a veterinary clinic. On **26.04.2025 at about 5:30 p.m.**, while the complainant was present at his clinic along with his employee, two unknown persons, wearing pants and shirts, entered the premises while armed with pistols. They allegedly deprived the complainant of a silver-coloured mobile phone, SIM, cash amounting to **Rs.40,000/-**, and a wallet containing his original CNIC, veterinary licence and other miscellaneous documents. The accused persons further allegedly snatched from **Abdullah Khan Tarin**, cousin of the complainant, one Vivo mobile phone, one laptop and three printers. They also deprived the employee of one Infinix mobile phone along with its SIM and thereafter fled from the spot; hence, this FIR.

3. Learned Counsel for the Applicant contended that the Applicant is innocent and has been falsely implicated in the present case owing to mala fide, ulterior motives and previous grudge. He argued that there is an unexplained and inordinate delay in lodging the FIR. According to learned

Counsel, the alleged occurrence took place on 26.04.2025, whereas the FIR was registered on 19.05.2025, after a delay of almost one month, for which no plausible or satisfactory explanation has been furnished by the prosecution. He further submitted that the Applicant was neither nominated in the FIR nor was his name disclosed by the complainant at the initial stage, as the case was registered against unknown persons. It was, therefore, argued that such circumstances create serious doubt regarding the genuineness of the prosecution case and entitle the applicant to the concession of bail.

4. Conversely, learned Assistant Prosecutor General, Sindh opposed the bail application and submitted that the Applicant has approached the Court with unclean hands. She pointed out that the Applicant had previously filed Bail Application No.266 of 2025 before the learned trial Court, which was dismissed *vide* Order dated 13.06.2025, but this material fact was concealed while filing the subsequent bail application. Learned Assistant Prosecutor General, Sindh further contended that the Applicant was duly identified during the identification parade and that stolen articles were recovered from his possession. She maintained that the prosecution witnesses have fully supported the prosecution case and, therefore, the applicant does not deserve the concession of bail.

5. I have heard learned Counsel for the Parties and have carefully examined the material available on record.

6. At the bail stage, the Court is required to tentatively assess the material available on record without undertaking a deeper appreciation of evidence. In the present case, the record *prima facie* shows that the Applicant was duly identified during the identification parade. More importantly, the prosecution has attributed recovery of the stolen articles from the possession of the Applicant, which is a circumstance requiring consideration at trial. The evidentiary value of such identification and recovery would, of course, be determined by the learned trial Court after recording the evidence of the parties.

7. The contention regarding delay in registration of the FIR and the fact that the Applicant was not nominated therein, have also been considered. However, at this stage, such circumstances, by themselves, are not sufficient to bring the case within the ambit of further inquiry, particularly when the prosecution subsequently claims identification of the Applicant through a formal identification parade and recovery of the case property from his possession.

8. It is also significant that the Applicant had previously moved a bail application before the learned trial Court, which was dismissed *vide* Order dated 13.06.2025, and the said fact was not disclosed in the instant application. Such concealment of a material fact is an additional circumstance which disentitles the Applicant from seeking discretionary relief.

9. In view of the foregoing discussion, I am of the tentative opinion that the material available on record does not make out a case of further inquiry within the meaning of Section 497(2), Cr.P.C. Rather, the prosecution has placed sufficient material connecting the Applicant with the alleged offence, particularly in the shape of his identification and recovery of the stolen articles.

10. Consequently, the instant bail application, being devoid of merit, is dismissed. Needless to observe that the observations made herein are tentative in nature and shall not prejudice the case of either party at the trial. Bail application dismissed.

JUDGE

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