

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Appl. No.S-866 & 867 of 2026
[Shahbaz Ali v. The State]

02.09.2026

Mr. Muhammad Zakariya Baloch, Advocate for the Applicant
Complainant present in person
Mr. Altaf Hussain Khokhar, DPG along with Inspector Muhammad Siraj PS A-
Section Latifabad and SIP Kamran Sohail, Traffic Qasim Chowk.

ORDER

Abdul Mobeen Lakho, J.- Through captioned bail application, the applicant seeks post arrest bail in Crime No.174 of 2026 registered at Police Station A-Section, Latifabad for offences under Sections 397, 34 PPC and in offshoot Crime No.199/2026 registered at same PS for offence punishable u/s 25-A, Sindh Arms Act, 2013, after dismissal of his applications for post-arrest bail by the learned I-Additional Sessions Judge, Hyderabad, vide order dated 29.06.2026, respectively.

2. The details and particulars of the case are already available in the bail application and the FIR and may be gathered therefrom; hence, the same need not be reproduced herein.

3. Learned counsel for the applicants contends that the applicants are innocent and have been falsely implicated in this case; that the applicant is not nominated in FIR; no identification parade was held before the Magistrate; that the applicant has been involved in this case by the complainant on the basis of photographs shown to him by the police at Police Station; that no recovery robbed property was effected from the possession of applicant; that no CCTV footage or video recording has been produced by the police; that in fact the pistol was not recovered from the possession of applicant but the same has been foisted upon him; that the final challan has been submitted by the police and the custody of applicant is not required for further investigation; that the applicant at the time of alleged offence was below 18 years age; that the case against the applicants requires further inquiry.

4. On the other hand, learned DPG appearing for the State has opposed bail application.

5. I have heard the learned counsel for the parties and have examined the available material with their assistance. It appears that the applicant is not nominated in the FIR. His subsequent involvement in the case appears to have been made on the basis of an alleged

identification through photographs shown to the complainant by the police at the police station. Such mode of identification, at least at this stage, does not carry the same evidentiary value as a test identification parade conducted in accordance with the settled procedure before a Magistrate. The prosecution has not satisfactorily explained from the available record the circumstances in which the photographs of the applicant came to be shown to the complainant or the basis on which the applicant was suspected and subsequently implicated. It is further noticed that no CCTV footage or other video recording has been brought on record connecting the applicant with the alleged occurrence. No recovery of the robbed property has been effected from his possession. The circumstances surrounding the alleged identification assume significance because the applicant was not named in the FIR and no lawful test identification parade appears to have been conducted before a Magistrate. It is trite that at the stage of bail the Court is not required to conduct a deeper appreciation of the evidence or to determine the guilt or innocence of the accused. The Court is only required to make a tentative assessment of the material available on record and from the tentative assessment, I am of the view that the applicant has been able to make out a case for further enquiry.

6. Consequently, the both the bail applications are allowed and the applicant is granted bail in both the cases subject to furnishing solvent surety in the sum of Rs.100,000/- in each case and PR Bond in the like amount to the satisfaction of learned trial Court.

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

Since the SHO PS A-Section Latifabad has produced the complainant, the show cause notice issued to him is vacated.

JUDGE