IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 3492 of 2026
a/w
Criminal Bail Application No. 3493 of 2026

Applicant [in both Cr.B.A]	:	Abdul Khalique son of Jumma Khan Through Mr. Imamuddin Chandio, advocate
Complainant [in Cr.B.A No.3492/2026]	:	Ammar Alam son of Muhammad Alam Through: Nemo
The State	:	The State: Through Mr. Sharafuddin Kanhar, A. P. G. Sindh
Date of hearing	:	04.11.2026.
Date of Order	:	04.11.2026.

O R D E R

Jan Ali Junejo, J:- By this common order, I intend to decide the above captioned bail applications, as they arise out of interconnected crime.

2. Through these Criminal Bail Applications, the Applicant Abdul Khaliq son of Jumma Khan seeks post-arrest bail in FIR No. 817/2026, under Section 395 PPC and FIR No.818/2026, under Section 353/324/34 PPC registered at Police Station Site Superhighway, Karachi. The earlier post-arrest bail applications bearing No. 5956 & 5955 of 2026 filed by the applicant were dismissed by the learned Sessions Judge, Malir, Karachi vide joint order dated 06.10.2026. Being aggrieved, the Applicant has approached this Court.

3. Briefly, the facts of the prosecution's case in FIR No. 817/2026 are that complainant Ammar Alam son of Muhammad Alam lodged the report stating that on 21-09-2026 at about 02:00 a.m., while he was asleep at his house, his contractor Muhammad Naeem informed him that 6 to 7 dacoits had trespassed into the company premises. The culprits tied up the chowkidar, Muhammad Umar, along with two labor staff members,

and robbed copper worth Rs. 3.5 Million, loading it onto a rickshaw. They also snatched two laptops (one HP and one Dell), the chowkidar's Vigo Tel mobile phone, and a purse containing Rs. 5000/- in cash. During the dacoity, they subjected a labor boy, Imtiaz, to severe beating, causing him head injuries, before fleeing the crime scene with the looted articles.

4. The brief facts of FIR No. 818/2026 are that on 24-09-2026, a police party headed by ASI Zafar Iqbal was engaged in routine patrolling when they received credible information that certain armed culprits were present with two loader rickshaws to dispose of stolen property at the scrap shop of the Abdul Khaliq, situated behind Jamia Hotel, Ahsanabad Sector-IV. Acting on this information, the police party raided the pointed place at 0030 hours and noticed seven armed persons with two loader rickshaws. Upon seeing police, the accused persons opened straight fire with the intention to kill. The police retaliated in self-defense. During the cross-firing, one bullet hit the body of the police mobile. Taking advantage of the situation, five accused managed to escape with the stolen items, whereas two accused were apprehended on the spot. They disclosed their names as Abdul Naeem son of Sadaruddin and Abdul Khaliq son of Jumma Khan (the present applicant). During the physical search, an unlicensed 30-bore pistol with a loaded magazine containing two live rounds was recovered from Abdul Naeem, while a black purse containing Rs. 250/ in cash and a colored copy of a CNIC was recovered from the applicant, Abdul Khaliq. The apprehended accused also disclosed the names their absconding accomplices as Kashif @ Kashi, Abdul Qayum, Manjo, and two unidentified persons. Consequently, the present FIR was registered against them.

5. Learned counsel for the applicant/accused in Cr.B.A No. 3492/2026 contends that the applicant is innocent and has been falsely implicated in the present case with mala fide intention and in collusion with the police, as nothing has been recovered from his possession and he has been arrested merely on suspicion, being the owner of a junk shop. He submits that there is an unexplained delay of about two days and twenty hours in lodging the FIR, which casts serious doubt upon the prosecution

case. He further contends that the FIR does not contain any specific description or identifying particulars of the allegedly robbed articles, including the laptops, copper wires and mobile phones, nor does it disclose the description of the loading rickshaw allegedly used in the commission of the offence. He argues that the applicant was neither nominated in the FIR nor was any specific role attributed to him, and that he was initially arrested in another case, bearing FIR No.818/2026, registered at Police Station Site Super Highway, and subsequently implicated in the present blind FIR wherein all the accused persons were unknown. He further submits that no identification parade was conducted before the learned Judicial Magistrate to establish the applicant's identity and involvement, thus false implication cannot be ruled out. Learned counsel also contends that despite obtaining three days' police custody remand, the investigating officer failed to recover any robbed articles, weapon of offence, copper wires, laptops or other incriminating material from the applicant's possession to connect him with the alleged occurrence. He maintains that the ingredients of Section 395 PPC are not attracted against the applicant in the absence of any recovery or other independent incriminating material, and that the case squarely calls for further inquiry within the meaning of Section 497(2) Cr.P.C. He lastly submits that the applicant has no criminal antecedents, is a permanent resident of Karachi, and there is no likelihood of his absconding or tampering with the prosecution evidence; that deeper appreciation of evidence is not required at the bail stage; and that the alleged offences do not fall within the prohibitory clause of Section 497 Cr.P.C., wherein grant of bail is the rule and refusal is an exception. He, therefore, prays for grant of post-arrest bail.

6. Learned counsel for the applicant/accused in Cr.B.A No.3493/2026 contends that the applicant is innocent and has been falsely implicated in the present case by the police with mala fide intention and ulterior motives. He submits that no incriminating material or weapon of offence has been recovered from the possession of the applicant to connect him with the alleged occurrence, and that no specific role has been attributed to him in the FIR. He further contends that, although the prosecution

alleges a police encounter involving seven accused persons, neither any police official nor any of the alleged accused sustained a bullet injury, which renders the prosecution story highly doubtful and raises a question regarding the applicability of Section 324 PPC. He further submits that the applicant, who is the owner of a junk shop, has been falsely implicated merely to extract illegal gratification. Learned counsel argues that despite the applicant having remained in police custody on a three-day remand, the investigating officer failed to recover any crime weapon, allegedly stolen articles or other incriminating material from his possession, which further weakens the prosecution case and makes false implication a possibility. He maintains that there are no reasonable grounds to believe that the applicant is guilty of the alleged offence and that the matter calls for further inquiry within the meaning of Section 497(2) Cr.P.C. He lastly submits that the applicant has no previous criminal record, is a permanent resident of Karachi, and there is no likelihood of his absconding or tampering with the prosecution evidence; that only a tentative assessment of the available material is required at the bail stage, which does not establish his connection with the alleged offence; and that the alleged offences do not fall within the prohibitory clause of Section 497 Cr.P.C., wherein grant of bail is the rule and refusal is an exception. He, therefore, prays for grant of post-arrest bail.

7. Conversely, the learned APG opposed the bail applications. He submits that the applicant is involved in a heinous offence; that the applicant/accused along with other his companions had made straight firing upon the police party with deadly weapons; that empties of pistols and pistols were recovered from co-accused on the spot, which proved that the said encounter was held, however, he candidly submitted that previously the applicant/accused was not involved in any criminal case.

8. I have heard the learned counsel for the applicant as well as the learned APG and have carefully examined the material available on record with their assistance.

9. Admittedly, both the instant bail applications arise out of interconnected FIRs registered at the same police station and relate to the

alleged dacoity and subsequent police encounter. The prosecution case in FIR No.817/2026 primarily rests upon the allegation that unknown culprits committed dacoity at the complainant's premises and took away copper wires, laptops and other articles. However, the applicant was not nominated in the said FIR, nor was any specific role attributed to him. His implication subsequently, on the basis of his alleged apprehension in FIR No.818/2026, requires cautious examination, particularly when no identification parade was conducted to establish his identity as one of the persons involved in the alleged dacoity. Furthermore, the FIR does not contain specific identifying particulars of the allegedly stolen articles, and admittedly, despite the applicant having remained in police custody for three days, no recovery of any stolen articles or other incriminating material connecting him with the alleged dacoity could be effected from his possession. These circumstances, at least tentatively, create a question regarding the applicant's direct nexus with the alleged offence under Section 395 PPC.

10. So far as FIR No.818/2026 is concerned, the prosecution alleges that seven armed persons opened fire upon the police party, whereupon the police retaliated in self-defence. However, the material available on record reflects that no police official or any of the alleged accused sustained a firearm injury, and the only damage reported was to the body of the police mobile. Although the learned APG has relied upon the alleged recovery of pistols and empties from the co-accused in support of the prosecution version, the fact remains that no weapon of offence or incriminating material was recovered from the present applicant. Moreover, no specific overt act supported by independent material has been attributed to him to establish his individual participation in the alleged firing. The mere presence of the applicant at the alleged place of occurrence, without any further supporting material connecting him with the commission of the alleged offence, would require further examination during trial. Consequently, at this tentative stage, the applicability of Sections 324 and 353 PPC against the applicant also calls for further inquiry.

11. It is also pertinent to observe that the applicant was initially arrested in FIR No.818/2026 and was subsequently implicated in FIR No.817/2026, wherein all the alleged culprits were initially unknown. The prosecution has yet to bring on record any independent and confidence-inspiring material establishing the applicant's identity and direct involvement in the alleged dacoity. The absence of recovery, non-conduct of identification parade and lack of a specific role attributed to the applicant are circumstances which cannot be overlooked at this stage. Although the learned APG has opposed the grant of bail on the ground that the applicant, along with his associates, allegedly resorted to firing upon the police party, he has candidly conceded that the applicant has no previous criminal record. Needless to observe that the question of guilt or innocence of the applicant shall be determined by the learned trial Court after recording evidence, without being influenced by any tentative observations made herein.

12. It is settled law that at the bail stage, a tentative assessment of the material available on record is required and deeper appreciation of evidence is to be avoided. In the present case, the circumstances discussed hereinabove, particularly the applicant's non-nomination in FIR No.817/2026, absence of identification parade, lack of any specific role, non-recovery of the allegedly robbed articles or crime weapon from his possession, and the absence of any firearm injury during the alleged encounter, collectively bring the case within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C. Furthermore, the applicant is stated to have no previous criminal antecedents and is a permanent resident of Karachi. No material has been brought on record to suggest that he is likely to abscond, tamper with the prosecution evidence or influence any witness. The purpose of further detention, in the circumstances, does not appear to be justified.

13. For the foregoing reasons, I am of the tentative view that the applicant has succeeded in making out a case for the grant of post-arrest bail in both the connected FIRs. Accordingly, both the instant Criminal Bail Applications are allowed, and the applicant Abdul Khaliq son of

Jumma Khan is admitted to post-arrest bail in FIR No.817/2026 and FIR No.818/2026, subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) in each case and P.R. bond in the like amount to the satisfaction of the learned trial Court.

14. Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice either party at the trial, where the learned trial Court shall independently decide the case strictly in accordance with the evidence brought on record.

JUDGE