IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.3019 of 2026

Applicant	:	Faizan Ali son of Liaquat Ali Through Syed Maqsood Ali, advocate
Complainant	:	Adnan son of Salman Shah Through: Nemo
The State	:	Through Mr. Zahoor Shah, Additional Prosecutor General Sindh a/w SI-Gul Munir of PS Shah Latif Town.
Date of hearing	:	30.10.2026.
Date of Order	:	30.10.2026.

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 namely Faizan Ali son of Liaquat Ali, who seeks his release on bail in connection with FIR No.401 of 2025 registered at Police Station Qauidabad, Karachi for the offences punishable under Sections 392, 397, 393, 394 and 34 PPC. The applicant has approached this Court being aggrieved by the order dated 01.09.2026 passed by the learned Additional Sessions Judge-VIII, Malir, Karachi whereby his bail application was declined.

2. Briefly stated, the prosecution case as reflected in the FIR is that the complainant namely Adnan son of Salman Shah stated that he was residing with his family and working as a private employee. On 07.07.2025, at about 11:30 p.m., while he was sitting outside his house, two unknown persons arrived on a 125cc motorcycle. One of them got off the motorcycle, loaded his pistol and at gunpoint snatched a mobile phone and some cash from his neighbour Nawab son of Saif-ul-Rehman. When the said person approached the complainant, he attempted to run towards his house; however, the accused fired at him with a pistol, hitting his left leg from behind, with the bullet exiting from the front. Consequently, he fell near the doorway of his house, while both accused persons fled from

the spot on their motorcycle. Upon hearing the gunshot, his brother, Idrees, took him to Jinnah Hospital for medical treatment. After regaining consciousness and consulting his elders, the complainant approached the police station along with his brother and neighbour and lodged the report against two unknown armed persons, stating that he could identify them if brought before him, hence, this FIR.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated in the present case. He submits that the applicant has remained in continuous judicial custody since 20.08.2025 and has completed one year of detention, thereby becoming entitled to the statutory concession of bail under the third proviso to Section 497(1), Cr.P.C., as the alleged offences are not punishable with death and the delay in conclusion of the trial is not attributable to him but is solely due to the vacancy/non-availability of the learned Trial Court. He further submits that the instant application is based on a substantial change in circumstances since the disposal of the earlier bail application, particularly the accrual of the statutory right and subsequent grant of bail to the applicant in another case. He argues that the investigation has been completed, charge has been framed, and the applicant is no longer required for investigation or recovery. He also contends that the unexplained delay of two days in lodging the FIR, non-nomination of the applicant therein, absence of a lawful identification parade and lack of independent nexus between the alleged recovery and the present occurrence make the case one of further inquiry within the meaning of Section 497(2), Cr.P.C. He maintains that the applicant has neither caused any delay in the trial nor misused the process of law and undertakes that, if released on bail, he shall regularly attend the trial proceedings, cooperate with the Court and shall not influence or intimidate any prosecution witness. Accordingly, he prays for grant of post-arrest bail to the applicant.

4. Conversely, learned Additional Prosecutor General vehemently opposed the grant of bail. He submits that the applicant is involved in a heinous offence and sufficient evidence is available with the prosecution to connect the applicant with the commission of alleged offence; hence, he is not entitled to the concession of bail.

5. I have heard the learned counsel for the applicant and learned Additional Prosecutor General and have perused the available record with their assistance.

6. Admittedly, the applicant was not nominated in the FIR, wherein the alleged occurrence was attributed to two unknown persons. The applicant was subsequently implicated during investigation, and his involvement is stated to have surfaced on the basis of an alleged recovery of a mobile phone. However, the complainant had not furnished any description of the assailants in the FIR and had only expressed his willingness to identify them if produced before him. It is also the case of the applicant that no identification parade was conducted in accordance with law. These circumstances, coupled with the unexplained delay of two days in lodging the FIR, require tentative consideration and make the prosecution case a matter of further inquiry at this stage.

6. It is further observed that the applicant has remained behind bars since 20.08.2025 and has completed one year of continuous detention. The record, as pointed out by learned counsel for the applicant, reflects that the trial could not proceed owing to the vacancy/non-availability of the learned Presiding Officer, despite issuance of summons to the prosecution witnesses. There is nothing brought on record to suggest that the applicant himself caused or contributed to such delay or adopted any delaying tactics. The delay occasioned due to the non-availability of the learned Trial Court cannot, prima facie, be attributed to the applicant so as to deprive him of the statutory protection available under the third proviso to Section 497(1), Cr.P.C., subject to fulfillment of its remaining requirements. The offences alleged against the applicant are not punishable with death, and the statutory period of detention has already elapsed without conclusion of the trial.

7. Needless to observe that the observations made herein are tentative in nature and shall not prejudice either party at the trial. The prosecution has yet to establish the guilt of the applicant through legally admissible evidence. Keeping in view the above circumstances, particularly the applicant's continuous detention for one year, absence of any delay attributable to him, non-completion of trial due to reasons beyond his control and the tentative assessment of the prosecution material, I am of

the considered view that the applicant has made out a case for grant of post-arrest bail.

9. For the foregoing reasons, the instant bail application is allowed. The applicants namely Faizan Ali son of Liaquat Ali is admitted to bail subject to his furnishing solvent surety in the sum of Rs.1,00,000/- (Rupees One Lac Only) each and P.R. bond in the like amount to the satisfaction of the learned trial Court. It is, however, observed that the findings recorded herein are tentative in nature, made solely for the purpose of deciding the present bail application, and shall not prejudice the case of either party during the course of trial.

JUDGE