THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.3272 of 2026

Applicant	:	Waheed son of Abdul Ghani through Ms. Arifa Rahim Ali Rind, Advocate
The State	:	Through Ms. Seema Zaidi, Additional Prosecutor General, Sindh
Complainant	:	Mohsin Sardar son of Muhammad Sajjad Bajwa “NEMO”
Date of hearing	:	11.11.2026
Date of decision	:	11.11.2026

O R D E R

Jan Ali Junejo, J.- Through the instant post-arrest bail application, Applicant- Waheed son of Abdul Ghani, seeks his release on bail in FIR No.549 of 2026, registered under Sections 380/34, PPC, at Police Station Gulshan-e-Iqbal, Karachi. It appears from the record that an earlier bail application bearing No.5585 of 2026, moved by the Applicant, was dismissed by the learned IXth Additional District & Sessions Judge, Karachi East, vide Order dated 26.09.2026.

2. The brief facts of the prosecution case, as reflected in the FIR, are that the Complainant, Mohsin Sardar, accompanied by police officials, apprehended two persons and subsequently appeared at the police station to lodge the report. He stated that he resides at the above-mentioned address in a two-story house. On receiving a telephone call from a neighbour that the door of his father’s house was lying open, he reached there and found the door open. Upon checking the house, he discovered that various articles, including three LCDs, a router, a splitter, a computer, fifteen watches, a computer set, an iron, an AC copper pipe, a water motor, complete fittings of three washrooms, a freezer, UPS, batteries and clothes, were missing. Thereafter, on 25.08.2026, at about 1600 hours, when he again visited the house to check its condition, he found the door open and noticed five persons inside. On coming outside, he spotted two police officials, namely, PC-Adnan Mahar and PC-Zeeshan, riding a motorcycle. He informed them about the previous theft and the presence of five persons inside his house. The police officials accompanied him into the house and apprehended two persons, whereas the remaining three managed to escape. Upon inquiry, the apprehended persons disclosed their identities as Majid Ali son of Nawab Khan and

Waheed son of Abdul Ghani, the present applicant. When asked about their absconding companions, they allegedly expressed ignorance about their identities. Hence, the instant FIR was registered.

3. Learned Counsel for the Applicant contends that the Applicant is innocent and has been falsely implicated in the present case. It is argued that the prosecution story is inherently doubtful and suffers from material inconsistencies. The Applicant has allegedly been nominated and arrested on the basis of a highly questionable and self-contradictory version of the occurrence. Learned Counsel further submits that the complainant's failure to report the alleged theft immediately, despite having allegedly discovered the house open and several articles missing, is an unnatural circumstance which requires consideration. It is further argued that the extensive list of allegedly stolen articles raises questions regarding the actual nature and manner of the occurrence, which can only be determined after recording evidence at trial. Learned Counsel also contends that the prosecution's assertion of a red-handed arrest is not supported by any independent or sufficiently corroborative incriminating circumstance. On these grounds, learned counsel prays for the grant of post-arrest bail to the Applicant.

4. Conversely, learned Additional Prosecutor General, Sindh vehemently opposes the bail application, contending that the Applicant is specifically nominated in the FIR and was apprehended red-handed from inside the Complainant's house by the police officials while committing the alleged offence. She further submits that the stolen property was recovered from the possession of the Applicant at the crime scene, thereby providing direct incriminating evidence against him. She, therefore, prays for dismissal of the bail application.

5. I have heard the learned Counsel for the Applicant as well as learned Additional Prosecutor General, Sindh and have examined the available record with their assistance. At the outset, it may be observed that the question of grant of bail is to be examined on the basis of tentative assessment of the material available on record, without undertaking a deeper appreciation or evaluation of the evidence, which is the exclusive domain of the trial Court.

6. In the present case, the material available on record prima facie reflects that the Applicant was apprehended inside the Complainant's house by the police officials during the course of patrolling, along with co-accused Majid Ali, while five persons were allegedly present inside the premises. Out of them, two were apprehended, whereas the remaining

three managed to escape. The Applicant was identified at the spot and his presence inside the Complainant's house is not merely based upon subsequent nomination or suspicion but is supported by the account of the Complainant and the police officials who allegedly apprehended him from the place of occurrence. This circumstance, at the bail stage, provides a prima facie connecting link between the Applicant and the alleged commission of the offence.

7. So far as the contention of learned Counsel regarding the non-inclusion of the offence under Section 380, PPC, within the prohibitory clause of Section 497, Cr.P.C., is concerned, it is settled that although grant of bail in offences falling outside the prohibitory clause is ordinarily favoured, such consideration does not confer an absolute or indefeasible right upon an accused to be released on bail in every circumstance. The Court is required to examine the attending circumstances of each case, including the nature of the accusation, the material collected during investigation and the circumstances in which the accused was apprehended.

8. In the instant matter, the applicant's alleged apprehension from inside the Complainant's house, coupled with the specific account of the Complainant and the police officials regarding his presence at the crime scene, constitutes material which cannot be brushed aside at this stage. The defence pleas advanced by learned Counsel, particularly regarding the alleged delay in reporting the occurrence, the description and quantity of stolen articles and the credibility of the prosecution witnesses, involve factual questions which require examination through evidence at trial. At this tentative stage, these grounds, by themselves, are insufficient to bring the case within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C.

9. It is, therefore, my tentative assessment that the Applicant has failed to make out a case for grant of post-arrest bail. Consequently, the instant bail application is dismissed.

10. Needless to observe that the observations made hereinabove are tentative in nature and shall not influence the learned trial Court while deciding the case on its own merits. The learned trial Court shall independently assess the evidence brought before it, uninfluenced by any observation made in this order.

JUDGE

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