IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2359 of 2026

Applicants	:	1. Nabeel son of Abdul Hameed 2. Adnan Ali son of Muhammad Ashraf *Through* Mr. Zulfiqar Shaikh and Mr. Ghulam Asghar, Advocates
Complainant	:	Mir Dost son of Long *Through* Shiraz A. Bhatti, Advocate.
Respondent	:	The State *Through* Mr. Mohsin Ali Mangi, Deputy Prosecutor General, with DSP Hameed Khan, Investigating Officer.
Date of hearing	:	05.11.2026
Date of Order	:	16.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. – Applicants Nabeel and Adnan seek pre-arrest bail in a case bearing rime No. 49 of 2025, Police Station Sukhan, Karachi, for offence u/s 397, 302 and 34 PPC as registered. Final challan under section 396 PPC. The VIIIth Additional Sessions Judge, Malir, Karachi, dismissed their earlier application on 10th March 2025 and recalled the interim protection granted on 13th February 2025.

2. The occurrence allegedly took place at about 8:15 p.m. on 22nd January 2025 near Yaqoob Kiryana Store, Labour Colony, Malir. Mir Dost, the deceased's brother, lodged the FIR at 4:00 a.m. the following morning on information received from Allah Bux. The FIR alleged that Danish Himayati and the applicants stopped Qaimuddin, fired upon him when he resisted and took Rs.70,000. In his supplementary statement of 27th January 2025, Mir Dost attributed the stabbing to Danish and alleged that the applicants had stopped and held Qaimuddin. The applicants plead false implication and invoke further inquiry on the strength of these variations, the absence of recovery and the failure of several local witnesses to identify them.

3. The certified statements of Allah Bux and Ali Hyder under section 164 Cr.P.C. bear the date 3rd February 2025. Both allege that Danish and the applicants held Qaimuddin while cash and his mobile phone were demanded. According to them, Qaimuddin threw his phone towards a nearby house, Danish stabbed him, and Nabeel fired into the air and threatened to shoot the witnesses if they approached. The three then proceeded towards a silver car

where Arbaz and Sohail were present. The post-mortem attributes death to haemorrhagic shock from deep chest wounds, supporting the later account of stabbing. The crime-scene papers record no recovery of a spent cartridge. The serology findings establish the presence of human blood on the exhibits, while the reported telephone contacts after the occurrence have limited bearing on the applicants' presence at the scene.

4. The offence alleged falls within the prohibitory clause of section 497(1) Cr.P.C. The question remains whether the record, tentatively assessed, furnishes reasonable grounds to believe that each applicant participated in the offence or whether his involvement requires further inquiry under section 497(2) Cr.P.C. For sections 391 and 396 PPC, the inclusion of five names in the challan cannot establish conjoint participation. The prosecution must show that five or more persons conjointly committed or attempted to commit robbery, counting those present and aiding its commission or attempt, and that one of them committed murder in the course of the dacoity. The allegation of an attempted taking therefore remains material despite the divergent accounts of whether any property was actually taken.

5. Applicant Nabeel is alleged by both witnesses to have helped restrain Qaimuddin and to have used a firearm to deter intervention. The absence of a firearm injury is consistent with their allegation of aerial firing. The absence of a recovered cartridge leaves that allegation without physical corroboration, but the two statements furnish reasonable grounds at this stage to believe that Nabeel actively facilitated the occurrence. Applicant Adnan Ali is assigned a more limited role. Neither witness attributes a weapon or injury to him, but both place him among those holding Qaimuddin while cash and the phone were demanded. That allegation, if accepted, constitutes active assistance in the alleged attempt. The local witnesses who named Danish, Arbaz and Sohail did not identify either applicant, but their accounts leave other persons unidentified. The absence of recovery and independent identification bears on the weight of the allegation against Adnan Ali. On the record available before this court, the two statements under section 164 Cr.P.C. furnish reasonable grounds to believe that he participated in the alleged restraint.

6. The investigation report acknowledges that both applicants joined the investigation while under interim protection. It alleges that they became unavailable after that protection was recalled. The reference to section 512 Cr.P.C. in the challan reflects the police position on their availability. The application offers no explanation for the interval between the recall of protection in March 2025 and its presentation in July 2026. That interval

weighs against discretionary relief. The discrepancies in the prosecution accounts require examination at trial, but, considered with the specific roles attributed to the applicants, they do not presently support an inference that arrest is sought for an ulterior purpose or in abuse of process.

7. The application is dismissed as to both applicants, the ad interim pre-arrest bail granted to the applicants stands recalled. These observations are tentative. The trial Court shall decide the case independently on the evidence adduced before it.

J U D G E

Shahbaz