IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Revision Application No.221 of 2026

Applicant	:	Ali Khan Niazi son of Laal Khan *Through* Mr. Muhammad Akram Qureshi, Advocate.
Respondent No.1	:	The State *Through* Mr. Muhammad Mohsin Mangi, Assistant Prosecutor General Sindh.
Respondent No.2	:	Noor Muhammad Meengal *Through* Mr. Naseer Ahmed Samoo, Advocate.
Date of hearing	:	13.11.2026
Date of order	:	13.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. **-** Applicant Ali Khan Niazi invokes the revisional jurisdiction of this court calling in question the legality and propriety of the order dated 01.09.2026, passed by the learned VIIth Additional Sessions Judge, Malir, Karachi, in Criminal Miscellaneous Application No.396/2026, whereby his application under Section 516-A, Cr.P.C., for release on *superdari* of truck bearing Registration No.GLT-5478, Chassis No.28849 and Engine No.114937, was declined in connection with FIR No.477/2026, registered under Section 395, PPC, at Police Station Gadap City, Karachi.

2. The controversy emanates from an occurrence dated 13.07.2026, wherein, according to the complainant, a trailer carrying consignments of thread loaded from Premium Textile Mills, Nooriabad, was intercepted by armed persons near Ansari Pull, Super Highway, who allegedly deprived its driver, Sher Afzal Khan, of the vehicle and goods. The trailer was subsequently found abandoned near Jamali Pull, without the consignment. The FIR was initially registered against unknown persons. The applicant, claiming ownership of the truck, sought its interim custody, relying upon registration documents, fitness certificate, tax receipts and insurance papers. Significantly, the Excise and Taxation Officer/Motor Registering Authority, Gilgit-Baltistan, through verification report dated 17.08.2026, confirmed the registration of the vehicle in the applicant's name, specifying its engine and chassis particulars. The driver, being its last possessor, also furnished an affidavit expressing no objection to release in favour of the applicant. The complainant, however, opposed the request, principally on the ground that the container carrying the stolen goods had not been

produced and that release of the truck might prejudice the prosecution case. The learned Court below accepted that apprehension and dismissed the application, observing that the applicant could renew his request after recording of the complainant's evidence.

3. Learned counsel for the applicant contends that the impugned order proceeds upon conjectural apprehensions, disregarding un-impeached official verification of ownership and the settled distinction between criminal culpability and entitlement to interim custody. He submits that the applicant is neither nominated in the FIR nor shown to have participated in the alleged occurrence; that the missing container is distinct from the registered truck; and that indefinite retention of a commercial vehicle at a police station, exposed to deterioration, serves no legitimate forensic or evidentiary purpose. Reliance is placed upon 2023 SCMR 711[1], 2011 PCr.LJ 1513[2] and 2022 MLD 531[3]. Conversely, learned Assistant Prosecutor General, supported by learned counsel for the complainant, maintains that the truck constitutes material case property; that its container remains unaccounted for; and that investigation has disclosed suspicious conduct on the part of the driver. Attention has also been invited to the order dated 30.10.2026 passed in Criminal Bail Application No.3341/2026, whereby the driver's request for pre-arrest bail was declined in view of CCTV footage, tracking data and other incriminating circumstances.

4. Having heard learned counsel and examined the record, the pivotal question is whether a vehicle, whose registration stands officially verified in the applicant's name, can be withheld indefinitely merely because it was associated with the alleged transportation of stolen goods, notwithstanding the availability of safeguards for preservation of evidence. Section 516-A, Cr.P.C., is essentially a provision for protective custody, not a mechanism for anticipatory punishment or deprivation of proprietary rights. Its object is to secure the property for purposes of inquiry or trial while preventing unnecessary loss, deterioration or depreciation. The expression *proper custody* does not invariably connote police custody; rather, it comprehends such arrangement as adequately protects the interests of justice. In *Muhammad Akhtar Ali* (supra), the Supreme Court recognized that the registered owner is prima facie entitled to temporary custody of a vehicle unless the dispute concerning its title is otherwise determined by a

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[1] *Muhammad Akhtar Ali v. Additional Sessions Judge, Kot Addu, District Muzaffargarh and others*
[2] *Jamal Uddin Ahmed v. Muhammad Maqbool and 2 others*
[3] *Ashique Hussain through Authorized Attorney v. The State and another*

competent Court. The same approach finds support in *Jamal Uddin Ahmed* (supra), while *Ashique Hussain* (supra) emphasizes that conditions of superdari must secure production of property without assuming a punitive character.

5. Examined on this touchstone, the applicant's claim rests not upon a bare assertion of ownership but upon an independent verification furnished by the competent registration authority, specifically identifying him as the registered owner of vehicle No.GLT-5478. The supporting documents reinforce that position. The complainant does not assert any competing title to the truck; his grievance pertains to the missing consignment and container. More importantly, the registration record has not been shown to be forged, cancelled or superseded. The alleged disappearance of Container No.TGUB-8952760 undoubtedly requires investigation, particularly in view of the investigating officer's disclosure that it was obtained on rent in the name of Syed Sher Bahadur. Nevertheless, suspicion concerning the whereabouts of a detachable container cannot, without demonstrable necessity, operate as an indefinite embargo upon the registered owner's right to possess the truck. The prosecution remains free to investigate the container's disappearance and the involvement of any person connected therewith.

6. Equally, the order dated 30.10.2026 declining pre-arrest bail to driver Sher Afzal Khan does not materially alter the applicant's proprietary entitlement. The observations concerning CCTV footage, inconsistencies in the driver's account and the vehicle-tracking record pertain to the driver's tentative criminal involvement. They neither constitute a determination of the present applicant's complicity nor extinguish his independent ownership claim. Criminal liability is personal; it cannot be mechanically imputed to the owner merely because his vehicle was driven by a person suspected of participating in an offence. At the same time, the apparent discrepancy between engine and chassis particulars appearing in the vehicle-history report and those confirmed by the registering authority cannot be overlooked. The physical identity of the truck must, therefore, be verified before delivery, without drawing any premature inference concerning the authenticity or evidentiary worth of either document.

7. The principal infirmity in the impugned order lies in treating a speculative apprehension of prejudice as sufficient to defeat the applicant's otherwise substantiated claim, without examining whether preservation of evidence could be secured through appropriate conditions. The prosecution has not

demonstrated why physical retention of the truck is indispensable after its identification, inspection, documentation and any necessary forensic examination. Nor is there any legal justification for making release contingent upon recording of the complainant's evidence, an event dependent upon the progress of trial. Evidence concerning the alleged occurrence, movement of the vehicle, disappearance of the consignment and involvement of suspected persons can be preserved and adduced independently of its continued exposure at the police station. Judicial discretion under Section 516-A, Cr.P.C., must reconcile evidentiary necessity with proprietary rights; it cannot be exercised in a manner that effectively converts provisional seizure into indefinite deprivation. The failure to undertake that exercise renders the impugned order legally unsustainable and warrants revisional interference.

8. Consequently, this revision application is allowed and the impugned order dated 01.09.2026 is set aside. The vehicle bearing Registration No.GLT-5478, Chassis No.28849 and Engine No.114937 shall be released to the applicant on *superdari*, subject to physical verification of its identity by the competent authority and furnishing of a solvent surety bond in the sum of Rs.20,00,000/- (Rupees two million), with personal bond in the like amount, to the satisfaction of the learned trial Court. Before delivery, the investigating officer shall prepare a detailed inventory, record the existing physical condition, engine and chassis particulars and absence or presence of the container, secure photographs and video documentation, and complete such forensic examination as may reasonably be necessary. The applicant shall neither alienate, dismantle nor materially alter the vehicle and shall produce it whenever required by the competent Court. Release shall not extend to the missing container or goods, nor shall it impede their recovery or investigation. Any breach of the conditions shall entail appropriate proceedings in accordance with law.

9. It is clarified that the foregoing observations are confined exclusively to the question of interim custody and shall neither determine title conclusively nor prejudice the merits of the criminal case, including the allegations concerning the driver, missing container, tracking record and alleged complicity of any person. The investigating agency shall proceed independently and in accordance with law.

10. The criminal revision application stands disposed of in the foregoing terms.

J U D G E