

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 3393 of 2025

Present:

**Mr. Justice Zafar Ahmed Rajput, CJ
Mr. Justice Jan Ali Junejo**

Applicant : Kabir Aslam s/o Muhammad Aslam, through
Mr. Naveed Amin & Ms. Benish Fatima,
Advocates

Respondent : The State, through Mr. Abrar Ali Khichi, Addl.
Prosecutor General, Sindh (**Addl. PG**) along
with Complainant Muhammad Nawaz

Date of Hearing : 14.01.2026

Date of Order : 14.01.2026

ORDER

Jan Ali Junejo, J.- Having been rejected his earlier Crl. Post-Arrest Bail Application in Special Case No. 57 of 2025, arising out of Crime/FIR No. 48/2025 registered at P.S. Kalri, Karachi-South, under Sections 384, 385, 386, PPC read with section 7 of the Anti-Terrorism Act, 1997 (the “**Act**”) by the Special Judge, Anti-Terrorism Court No. XIII, Karachi, vide order dated 18.10.2025, applicant/ accused Kabir Aslam s/o Muhammad Aslam seeks the same concession from this Court through the instant Crl. Bail Application.

2. Briefly stated, the prosecution case as reflected in the FIR are is that the complainant, Muhammad Nawaz, who deals in oil under the name and style of “Tara Oil Depot”, on 08.02.2025 and 09.02.2025 received threats on his cell phone from one Shakeel Badshah from a foreign number and demand of extortion (*Bhatta*) of Rs.5,00,000/-. Subsequently, on 20.02.2025, at about 00:15 hours, two persons arrived at his shop for receiving the said amount, whereupon one of them, the present applicant, was apprehended, while the other managed to escape.

3. Learned counsel for the applicant has contended that the applicant has been falsely implicated due to mala fide intentions, arising out of a

long-standing dispute between the complainant and the applicant's father, who previously worked at the complainant's shop; that the FIR suffers from unexplained delay, lack of independent witnesses, absence of recovery of any weapon or incriminating article; that the essential ingredients of Sections 384, 385, and 386 PPC, as well as Section 7 of the Act, are *prima facie* not attracted, as there is no allegation of use of force, weapon, violence, or creation of terror in the society at large; that the case squarely falls within the ambit of further inquiry under Section 497(2), CrPC and continued incarceration of the applicant would be unjust; hence, he is entitled to the bail.

4. Conversely, learned Addl. PG has opposed the application on the ground that the applicant was apprehended at the spot and that the offence falls within the prohibitory clause of Section 497, CrPC, being a scheduled offence under the Act; that the alleged act of the applicant created panic and insecurity; therefore, he does not deserve the concession of bail.

5. We have considered the arguments advanced by the learned counsel for the parties at considerable length and have perused the material available on record. On making a tentative assessment as permissible at the bail stage, it is observed that: (i) the alleged telephonic threats were received on 08.02.2025 and 09.02.2025, whereas the FIR was lodged on 20.02.2025, with an unexplained delay of about eleven days, which *prima facie* dents the prosecution version; (ii) the alleged occurrence is stated to have taken place in a thickly populated commercial area yet no independent witness has been cited; (iii) no weapon, extortion money, mobile phone, or any other incriminating article has been recovered from the applicant; (iv) the prosecution case predominantly rests upon the statements of the complainant and his close relative, rendering the matter open to further probe; and (vi) *prima facie*, the alleged act appears to have arisen out of a personal dispute, and the applicability of Section 7 of the Act, as well as Sections 384, 385 and 386 of the Pakistan Penal Code, 1860, requires deeper examination at trial.

6. In these circumstances, the case does not appear to be free from doubt at this stage. Whether the alleged act constitutes terrorism within the meaning of the Act, or merely an offence of ordinary criminal nature, is a question that requires recording of evidence and cannot be conclusively determined at the bail stage. The applicant is behind the bars since 20.02.2025, the investigation has been completed, challan has been submitted, and no further custodial interrogation is required.

7. For the facts and reasons recorded above, the instant Crl. Bail Application is allowed by admitting the applicant to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.200,000/- (*Rupees Two Lac Only*) and a P.R. bond in the like amount, to the satisfaction of the learned Trial Court.

8. It is clarified that the observations made hereinabove are tentative in nature, made solely for the purpose of disposal of this bail application, and shall not prejudice the case of either party during trial.

9. These are the detailed reasons for our Short Order, dated 14.01.2026.

CHIEF JUSTICE **JUDGE**