

**Crl. Bail Application No.3013 of 2024**

Date: \_\_\_\_\_ Order with signature(s) of the Judge(s) \_\_\_\_\_

**20-03-2025**

**Jan Ali Junejo, J.—** The Applicant/accused, Javed, son of Khadim Hussain has submitted the present Criminal Bail Application under Section 497 Cr.P.C., requesting post-arrest bail related to FIR No. 1243/2024. This FIR was lodged on September 29, 2024, at Police Station Shah Latif Town, Malir, Karachi, under Sections 397, 392, and 34 of the Pakistan Penal Code. Previously, the Applicant had approached the Court of the Sessions Judge with two bail applications, which were subsequently referred to the Court of Additional Sessions Judge-VIII, Malir, Karachi. The first application, Cr.B.A. No.4798/2024, was rejected on October 7, 2024, and the second, Cr.B.A. No.6002/2024, was dismissed on December 20, 2024. Dissatisfied with these decisions, the Applicant now seeks relief of post-arrest bail from this Court.

2. According to the First Information Report (FIR), the complainant, Sadiq Ali, son of Nisar Ahmed, reported that on September 29, 2024, at approximately 9:30 PM, while he was returning home from work, he was intercepted near the location specified in Column No. 04 of the FIR by three unidentified persons. One of the assailants displayed a weapon

typically associated with motorcycles and robbed the complainant of his Vivo mobile phone and Hot 9 Infinix device. When the complainant, with the help of bystanders, attempted to detain the perpetrators, two of them managed to escape, whereas the Applicant, Javed, was apprehended at the scene. He was then brought to the Police Station, where the FIR was expeditiously lodged.

3. The Applicant's counsel argued that the Applicant is a first-time offender with no criminal antecedents and has been incarcerated since 29.09.2024, with the investigation completed and challan submitted, rendering further detention punitive. He emphasized the absence of recovered stolen items or weapons linking the Applicant to the crime, asserting the prosecution's reliance on weak circumstantial evidence and untested identification. Citing prolonged pre-trial detention and the Applicant's willingness to comply with stringent bail terms, counsel prayed for bail to secure his client's liberty while ensuring trial participation.

4. The learned DPG, opposed bail, stressing the gravity of offenses under Sections 397/392 PPC (robbery with a weapon) and the non-bailable nature of the charges. He contended that the Applicant's release risked witness intimidation and evidence tampering, given the complainant's identification of the Applicant at the crime scene, which established *prima facie* culpability. Arguing that the Applicant's prolonged detention was justified to safeguard trial integrity, the DPG prayed for dismissal of the bail application to prevent prejudice to the prosecution's case.

5. Upon hearing the detailed arguments presented by the learned counsel for the Applicant and the learned Deputy Public Prosecutor (DPG) for the State, and after thorough examination of the case records, including the First Information Report (FIR), charge sheet, and ancillary documents, this Court proceeds to evaluate the bail application within the permissible scope of judicial discretion at the pre-trial stage. The assessment remains tentative and does not prejudice the merits of the case or the trial court's independent adjudication of guilt or innocence. The Applicant's status as a first-time offender stands uncontroverted, with no criminal history or prior convictions disclosed in the records. This factor weighs significantly in favor of the Applicant, as the absence of antecedents diminishes apprehensions of recidivism, habitual delinquency, or evasion of due process. The Applicant has been in judicial custody since **29.09.2024**, and the investigating agency has formally concluded its probe, culminating in the filing of the charge sheet under Section 173 CrPC. Continued detention at this juncture, where the investigatory purpose is exhausted, would serve no legitimate aim under criminal jurisprudence. The Applicant's fundamental right to liberty cannot be subordinated to unsubstantiated apprehensions, particularly when the charge sheet has been filed, witnesses are yet to be examined, and the evidentiary matrix remains untested. While the gravity of the alleged offence is not overlooked, the Applicant's prolonged detention without trial would unjustly penalize him prior to adjudication. The trial Court retains full authority to summon witnesses, scrutinize evidence, and deliver a verdict based on the merits of the case. Granting bail neither undermines the sanctity of the investigation nor precludes the trial Court from independently assessing the Applicant's culpability.

6. For the foregoing reasons, the bail application is allowed subject to furnishing surety and a personal bond (P.R. Bond) in the sum of Rs.1,00,000/- with one surety of the like amount to the satisfaction of the learned Trial Court. The Applicant shall attend all trial proceedings without fail and refrain from influencing witnesses or tampering with evidence. Observations made herein are tentative and shall not prejudice the merits of the case during trial. These are the reasons for the short Order dated: 20-03-2025.

**JUDGE**