

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.306 of 2025

Applicant : Salman Khan son of Noor Rehman
through Mr. Nisar Ahmed Advocate

Respondent : The State
through Ms. Seema Zaidi, Additional
Prosecutor General.

Complainant : Akhtar Hussain
through Mr. Muhammad Tariq, Advocate

Date of hearing : 08.04.2025

Date of order : 14.04.2025.

ORDER

KHALID HUSSAIN SHAHANI, J. – The applicant Salman Khan seeks pre-arrest bail in a case bearing crime No.613/2024, offence u/s 381 PPC of P.S. Shah Faisal Colony, Karachi. Interim pre-arrest bail had earlier been granted by this Court. The applicant's previous application for pre-arrest bail was declined by the learned XI Additional Sessions Judge, Karachi East, vide order dated 23.01.2025.

2. As per the prosecution's case, the complainant Akhter Hussain, son of Ghulam Hussain, employed as an administrative officer at Fauji Foundation Hospital, Karachi, registered the FIR in question. He alleged that a medical store operates in the hospital's basement, where the accused, Muhammad Salman Khan, was also working. On 23.10.2024, at about 07:00 a.m., the accused entered the medical store and, after spending about 30 minutes inside, exited at 07:30 a.m. It is alleged that he stole 42 injections worth Rs. 583,000/-, and CCTV footage purportedly capturing the incident is said to be available. Consequently, the FIR was registered.

3. Learned counsel for the applicant argued that the applicant has been falsely implicated due to mala fide intentions and ulterior motives. He emphasized the significant and unexplained delay of over one month in

lodging the FIR. He further submitted that although the CCTV footage and call data records confirm the applicant's presence at the scene, they do not show him stealing the injections, thereby making the case one of further inquiry. He also pointed out that the FIR fails to mention the names or types of the allegedly stolen injections. Counsel added that the complainant had a personal grudge against the applicant arising from an argument over late attendance, leading to this false implication. He requested that the interim bail be confirmed, stating that the applicant is ready to cooperate with the investigation and participate in the trial.

4. In contrast, the learned Additional Prosecutor General, supported by the complainant's counsel, opposed the confirmation of bail. They contended that the FIR explicitly names the applicant and attributes a clear role to him. They also noted that the CCTV footage supports the applicant's presence at the location. It was argued that granting pre-arrest bail at this stage may impede the investigation. Furthermore, reliance was placed on a case reported as 2023 P.Cr.L.J 1472 to argue that bail should not be granted where it may obstruct the course of justice. They therefore prayed that the interim bail be cancelled.

5. The record reflects, the alleged incident took place on 23.10.2024, while the FIR was lodged on 20.12.2024, with unexplained delay of 57 days. This delay casts doubt on the reliability of the prosecution's account and suggests possible exaggeration or malicious intent. It is well-established that pre-arrest bail is an extraordinary remedy granted to prevent unlawful harassment and undue humiliation. Reference in this regard is made to the case of Rana Muhammad Arshad v. The State (PLD 2017 SC 427).

6. Significantly, there is no allegation that the applicant committed any act of interference during the period of interim bail. Reference is also made to Kamran Attaullah v. The State (2019 SCMR 449). The learned APG has admitted that the CCTV footage does not show the applicant physically removing the alleged stolen injections. Moreover, the nature and specification of the stolen items have not been clearly mentioned, and the CCTV footage has not been subjected to forensic analysis to verify its authenticity or rule out tampering.

7. As for the precedent cited by the complainant's counsel (2023 P.Cr.L.J 1472), it concerns situations where pre-arrest bail was misused to obstruct justice. In the present case, however, no such misconduct has been attributed to the applicant, and there is no evidence of misuse of interim bail or hindrance to the investigative process.

8. The alleged offence does not fall under the prohibitory clause of Section 497(1) Cr.P.C., and the case against the applicant appears to require further investigation. Therefore, the applicant has successfully established grounds for the confirmation of pre-arrest bail.

9. Given the above, the interim pre-arrest bail granted to the applicant is hereby confirmed on the same terms and conditions. The applicant is directed to fully cooperate with the investigation and appear before the trial Court as required.

J U D G E

Shahbaz/PA