

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.719 of 2025

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

For hearing of bail application.

27.03.2025

Mr. Zahoor Ahmed, Advocate for the Applicant.
Ms. Seema Zaidi, APG.

Through the instant bail application, applicant Salman Ahmed son of Saleem Ahmed, seeks post-arrest bail in case bearing crime No.44/2025, offence u/s 397 PPC of P.S. SITE-B, Karachi. His previous bail plea was declined by the learned XIth Additional Sessions Judge, Karachi (West), through an order dated 12.03.2025.

2. The facts led to the case are that on 10.02.2025, Qasim Khan, the complainant having Easy Paisa Jazz Cash amounting to Rs.1,300,000/- was proceeding to the bank to deposit the same along with friend Wasi Ullah. At about 1120 hours, when reached at Quetta Darbar Hotel near Haroonabad Stop, three individuals boarding on motorcycle arrived there, on gun point robbed the amount and fled away. Consequent upon; case was registered inter-alia on above facts.

3. Learned counsel contends, the applicant is innocent and has been falsely implicated due to mala fide intentions and ulterior motives of the complainant. He urged, the name of the applicant not appears in the FIR, nor identification parade conducted before a competent court of law. He pointed out that although the FIR was lodged on 10.02.2025, the applicant was arrested on 20.02.2025 in FIR No. 116 of 2025 for an offence under Section 23(i)(A) of the Sindh Arms Act, 2013, but no recovery of robbed amount was effected from his possession. The applicant is currently in jail and no longer required for further investigation. Therefore, learned counsel prayed for the grant of post-arrest bail.

4. On the other hand, the learned Additional Prosecutor General, while opposing the bail, reluctantly conceded that no identification parade was conducted before the competent court.

5. Upon perusal of the record, it transpires that the name of the applicant does not appear in the FIR, and no identification parade was conducted before a competent court of law. The applicant was arrested in case bearing crime No.116/2025, wherein the complainant of the instant case identified the applicant in the police lockup, which does not qualify as a proper identification parade. Furthermore, the applicant has already been granted bail in case referred hereinabove. The argument of the learned counsel that identification of the applicant in police lockup carries no evidentiary value will be evaluated at the time of trial. No recovery was affected from the applicant, the challan has been submitted, and he is no longer required for further investigation.

6. Given the above, the applicant has succeeded to make out a case for further inquiry, as envisaged under Section 497(ii) Cr.P.C. Accordingly, the applicant is admitted to post-arrest bail subject to furnishing surety in the sum of Rs.100,000/- (Rupees One Lac) with a P.R. bond in the like amount to the satisfaction of the learned trial Court.

7. It is clarified that the observations made hereinabove are tentative in nature and shall not influence the learned trial Court in deciding the case of the applicant/accused on merits.

JUDGE

Shahbaz