

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 955 of 2025

Applicant : Umaid Ali son of Abdullah,
Through Mr. Shah M. Zaman Junejo, Advocate

Respondent : The State
through Ms. Rahat Ehsan, Addl. P.G.

Date of hearing : 14.05.2025

Date of order : 14.05.2025

ORDER

KHALID HUSSAIN SHAHANI, J. –Applicant Umaid Ali seeks post-arrest bail in a case bearing crime No. 100/2025, registered at P.S. Steel Town, Karachi, for offence under Sections 392, 397, and 412 PPC. His earlier bail plea was declined by the learned Additional Sessions Judge-VIII, Malir, Karachi, vide order dated 29.03.2025.

2. As per the contents of the FIR, the complainant, who is serving as a Service Center Supervisor at Sindh Microfinance Bank, along with Mukhtiar Ali (Loan Officer), was returning to his office after collecting a loan installment from a client. When they reached the service road near Markaz Imambargah in Steel Town at approximately 2:15 p.m. on 11.02.2025, three unknown armed assailants on a motorcycle intercepted them at gunpoint. The culprits forcibly snatched mobile phones, CNICs, recovered loan amount of Rs.114,970/-, personal cash of Rs.7,000/-, and the loan ledger. The FIR was subsequently lodged against unidentified accused persons.

3. Learned counsel for the applicant contends that the applicant has been falsely implicated due to mala fide intentions and ulterior motives. He submits that there is no direct allegation against the applicant in the FIR, nor is his name or any physical description mentioned therein. It is further argued that the alleged recovery pertains to a mobile phone which the applicant purportedly purchased in good faith from absconding co-accused Sharakat Golo. As regards Section 412 PPC, learned counsel submits that the essential ingredients of "knowledge" or "reason to believe" that the property was obtained through dacoity are absent. He emphasized that the alleged offence, if at all, falls under Section 392 PPC,

which carries a lesser punishment and thus does not attract the prohibitory clause of Section 497(1) Cr.P.C.

4. Conversely, the learned Additional Prosecutor General opposed the grant of bail; however, she candidly conceded that the minimum punishment under Section 392 PPC is three years and that the ingredients necessary to constitute an offence under Section 397 PPC are prima facie lacking in the present case.

5. A perusal of the record reveals that the FIR was lodged against unknown individuals and does not contain the name, identification, or description of the present applicant. No identification parade has been held to connect the applicant with the commission of the alleged offence. Furthermore, the investigation does not disclose any eyewitness account linking the applicant to the actual act of robbery. The recovery of the mobile phone, allegedly from the applicant, without conclusive proof of knowledge regarding its illicit origin, raises serious questions requiring judicial determination during trial. The alleged recovery, in the absence of corroborative material and without a valid identification parade, does not by itself constitute sufficient evidence to disentitle the applicant from concession of bail.

6. It is a well-settled principle that where the case falls within the scope of further inquiry under Section 497(2) Cr.P.C., and where the offence does not fall within the prohibitory clause, the grant of bail is a rule and its refusal is an exception. The Hon'ble Supreme Court in *Muhammad Tanveer v. The State* (PLD 2017 SC 733) and *Zafar Iqbal v. Muhammad Anwar* (2009 SCMR 1488) has consistently held that bail should ordinarily be granted in such circumstances, particularly when the accused is no longer required for investigation and the trial is likely to take time.

7. The case has already been challaned and the applicant is no longer required for investigative purposes. No apprehension of absconding, tampering with prosecution evidence, or influencing witnesses has been brought on record. In light of the foregoing, this Court is of the view that the applicant has made out a case for grant of bail on the ground of further inquiry within the meaning of Section 497(2) Cr.P.C.

8. Accordingly, the applicant is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

9. Needless to mention, the observations made hereinabove are tentative in nature and shall not influence the trial Court at the stage of deciding the case on merits.

JUDGE