

## IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 908 of 2025

Applicant : Ali Sufyan son of Muhammad Arshad,  
Through Mr. Sohrab Ahmed Meo, Advocate

Respondent : The State  
Through Ms. Rahat Ahsan, Addl. P.G Sindh.

Date of hearing : 12.05.2025

Date of order : 19.05.2025

### **ORDER**

**KHALID HUSSAIN SHAHANI, J.** – Applicant, Ali Sufiyan seeks post-arrest bail in a case bearing crime No.1577/2024, registered under Sections 397 and 34 PPC, of Police Station Sachal, Malir, Karachi. Previously bail application was declined by the learned Additional Sessions Judge-VIII Malir Karachi vide order dated 29.03.2025.

2. The prosecution case, as emerging from the FIR, is that on 26.09.2024 at about 08:15 p.m., the complainant, Abdul Moiz Toor Rajput, was intercepted by two unidentified individuals riding a motorcycle near White House, Wakeel Society, Scheme-33, Sachal, Karachi. The complainant alleged that the two intercepted him, held him at gunpoint, and forcibly deprived him of Rs.6,000 in cash, his mobile phone, police service card, ATM card, and driving licence. The culprits then fled the scene. Consequent upon; case was registered inter-alia on above facts.

3. It appears from the record that the applicant was subsequently arrested in connection with other criminal cases registered at Police Station Aziz Bhatti, Karachi. During the course of investigation in those matters, he purportedly confessed his involvement in the present incident. Pursuant to this disclosure, he was formally arrested in the instant case and produced before the learned Judicial Magistrate, where a test identification parade was held on 03.10.2024. During the said exercise, the complainant, Abdul Moiz, positively identified the applicant as one of the perpetrators of the crime.

4. The learned counsel contended that the applicant has been falsely implicated in the present case. He submitted that the identification parade was a managed affair and conducted in a manner that violated established

legal norms. It was further contended that the applicant was shown to the complainant prior to the identification proceedings, thereby compromising the evidentiary value of the said exercise. The learned counsel also emphasized that the FIR was lodged against unknown persons, and there is no independent corroborative evidence connecting the applicant to the offence. He further argued that the applicant has already been granted bail in the other FIRs in which he was arrested, and that his continued incarceration in the present matter amounts to pre-trial punishment.

5. On the other hand, the learned APG appearing for the State opposed the grant of bail and submitted that the applicant has been specifically identified by the complainant during the test identification proceedings held before a Magistrate of competent jurisdiction, which, at the bail stage, is sufficient to prima facie connect the applicant with the commission of the offence. He further argued that the applicant is involved in a serious offence punishable under Section 397 PPC, wherein a robbery was committed at gunpoint, and such crimes are on the rise and pose a threat to public safety and order. He added that the applicant is a habitual offender, as evident from his involvement in multiple similar FIRs, and that his release on bail would not only endanger the complainant and society at large but also pose a risk of abscondence or repetition of similar acts.

6. I have given anxious consideration to the submissions advanced by the learned counsel for the applicant and the learned APG for the State, and have carefully gone through the material placed before me. Record reflects that the FIR was lodged against unknown individuals and the story unveiled after the arrest of the applicant. There is no enmity or personal animosity of applicant with police or complainant respectively, for his dragging in this case. The record further reflects that the applicant was produced before the learned Judicial Magistrate on 03.10.2024, where he was duly identified by the complainant during an identification parade as one of the perpetrators who, along with his companion Muhammad Ashraf, had allegedly committed the robbery while armed with a weapon. The identification appears to have been carried out in accordance with law and there is, at this stage, no material suggesting that the same was vitiated by mala fides or manipulation. It is by now well-settled that at the bail stage, only a tentative assessment of the available evidence is to be made. The objections raised by the defence regarding procedural irregularities or the probative value of the identification proceedings are matters that can only be determined at trial after recording of evidence.

Furthermore, the applicant appears to be involved in other criminal cases of similar nature, which prima facie indicates a pattern of habitual conduct. The mere fact that the applicant may have been granted bail in other cases does not ipso facto entitle him to bail in the present matter, which stands on its own footing. Each case is to be considered independently in the light of its own facts and circumstances. The allegations against the applicant are of a grave and violent nature, attracting the bar contained in the prohibitory clause of Section 497 Cr.P.C., and no ground has been made out for extending the benefit of further inquiry at this stage.

7. In view of the foregoing, I find no merit in the present bail application. The same is accordingly dismissed. The observations made herein are tentative in nature and shall not prejudice the trial court in deciding the matter on merits.

**J U D G E**