

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application Nos. 1113/2025 & 849/2025

Applicant in : Syed Rohan son of Syed Fayyaz
CrI. Bail Appl. 1113/2025

Applicants in : 1) Syed Muzammil son of Syed Ahmed Hussain
CrI. Bail Appl. 849/2025 2) Syed Rohan son of Syed Fayyaz

Through Mr. Kashif Nazir Baloch, Advocate

Respondent : The State
Through M/s Qamaruddin & Tanseera Ayoub.
Asstt: Prosecutor General duly assisted by
Syed Tanveer Hussain, Advocate for the
complainant.

Date of hearing : 16.05.2025

Date of order : 20.05.2025

ORDER

KHALID HUSSAIN SHAHANI, J. – This order addresses two bail applications, bearing No.1113/2025, filed by Syed Rohan, and No.849/2025, jointly filed by Syed Rohan and Syed Muzammil. Both applications arise from same case bearing crime No. 433/2024, registered at Police Station Bilal Colony, Karachi, for offences under Sections 365, 324 and 34 of PPC.

2. The FIR was lodged by Mr. Ameer Zaman, an auto mechanic by profession and father-in-law of the alleged abductee, Sher Waris. According to the narrative in the FIR dated 05.12.2024, the complainant's son-in-law, Sher Waris, had expressed his intention to rent a shop near 4-K Chorangi, North Karachi. On 25.11.2024, the complainant reportedly took Sher Waris on his motorcycle to the Green Line Bus Station near 4-K Chorangi, after which Sher Waris disappeared and failed to return home. The complainant searched for Sher Waris in nearby localities and amongst relatives but to no avail. Since Sher Waris had no mobile phone, he could not be contacted. The complainant suspected that Sher Waris had been abducted by unknown persons and after considerable delay, lodged the FIR alleging abduction and illegal detention.

3. Subsequent investigation by police revealed involvement of several accused, including the applicants Syed Rohan and Syed Muzammil. The prosecution alleges that the applicants aided in the commission of the

kidnapping by providing logistical support, specifically vehicles used in the abduction and illegal confinement of the victim. It is further alleged that Sher Waris was confined against his will in a house owned by other co-accused persons and was physically assaulted, resulting in injuries that fall under Section 324 PPC. The applicants have been formally implicated based on the investigation and charge-sheet submitted before the trial court.

4. Earlier bail applications filed by the applicants were dismissed by the learned Sessions Judge Karachi East on 17.03.2025, primarily on the grounds of the seriousness of the charges and the ongoing investigation. The applicants have now approached this Court seeking bail, relying on grounds of their innocence, delay in FIR, lack of direct evidence against them, and personal circumstances.

5. Learned counsel contended the applicants have been falsely implicated and there is no direct or conclusive evidence linking them with the kidnapping or causing injury. Their alleged role is limited to providing vehicles for transportation, which is insufficient to hold them culpable for the principal offences. The FIR was lodged with an unjustified delay of eleven (11) days after the disappearance of Sher Waris. Such delay casts serious doubts on the veracity of the prosecution's case and raises a presumption of false implication or afterthought. The complainant himself admits to the victim's free will and has failed to produce any eyewitnesses or independent witnesses who saw the applicants involved in the crime. The applicants have no prior criminal record and have roots in Karachi, so there is no risk of their absconding or fleeing from justice. The delay in lodging FIR and contradictions in the prosecution's story weaken the case's strength and make the applicants suitable candidates for bail. One applicant, Syed Rohan, is a student preparing for important examinations, and his continued detention will cause irreparable harm to his academic career. The applicants have nominated other individuals as the main perpetrators who have not been arrested, which demonstrates incomplete and ineffective investigation. Bail is the rule and jail the exception, especially for offences which are not punishable with death or life imprisonment, and the alleged offences here fall within bailable or non-prohibitory category under law.

6. The learned APG counter the above assertions by arguing that the applicants were active participants in the crime, albeit indirectly, by facilitating the kidnapping and illegal confinement of Sher Waris. The

offences under Sections 365 and 324 PPC are grave and affect the personal liberty and physical integrity of the victim, warranting cautious scrutiny before bail is granted. Delay in lodging the FIR, while not desirable, is not determinative of the truthfulness of the allegations, especially in sensitive matters involving abduction and threats. The investigation has been conducted thoroughly and the challan has been submitted, confirming that sufficient evidence exists against the applicants to proceed to trial. The applicants have not named any other suspects during investigation to the police, and the allegation that other culprits are at large is unsubstantiated. Granting bail at this stage may hinder the trial process and the investigation, including possible influence on witnesses or tampering with evidence.

7. After hearing the learned counsel for the applicants and the prosecution, and perusing the record meticulously, the Court finds that the complainant's delay of eleven days in lodging the FIR is significant and unexplained. Although delay in lodging FIR is not fatal in every case, it is a relevant factor to consider in assessing the credibility of the prosecution's story. The applicants' involvement is primarily alleged in providing transportation means. The prosecution has not produced any direct evidence, such as eyewitness testimony or forensic material, linking the applicants with the physical act of kidnapping or assault.

8. The seriousness of the offences cannot be undermined; however, the applicants have a right to bail unless there are cogent reasons to believe they would abscond or tamper with the evidence. The applicants have no prior criminal history, and academic commitments are positive considerations favoring bail. The investigating agency have conducted proper investigation, but no concrete evidence yet ties the applicants prima facie to the commission of the offence.

9. The law is well-settled that bail is a rule and its refusal an exception. Since the offence is punishable with imprisonment but not exclusively with death or life imprisonment, bail is permissible unless strong grounds exist to refuse. The applicants have offered to cooperate with the investigation and court proceedings, and have undertaken not to flee or interfere with the case.

10. In view of the above, the Court is of the considered opinion that the applicants are entitled to the concession of bail. However, considering the gravity of the allegations, the bail is granted subject to strict conditions.

Accordingly Criminal Bail Applications Nos.1113/2025 and 849/2025 are hereby allowed. The applicants Syed Rohan and Syed Muzammil shall be released on bail upon furnishing solvent sureties in the sum of Rs. 200,000/- (Rupees Two Hundred Thousand Rupees only) each in the like amount, to the satisfaction of the learned trial court.

11. Needless to mention, 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