

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 926 of 2025.

Applicant : Muhammad Ali son of Abdul Aziz,
Through Mr. Khuda Bux Mahar, Advocate

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

Date of short order : 02.05.2025

Date of reasons : 21.05.2025

REASONS

KHALID HUSSAIN SHAHANI, J. – Applicant Muhammad Ali seeks post-arrest bail in a case bearing Crime No.69/2025, offence under section 395/397 PPC of P.S Steel Town, Karachi. His earlier bail plea was declined by the court of learned VIIIth Additional Sessions Judge Karachi Malir vide order dated 25.03.2025.

2. Complainant alleged that on 03.02.2025, he was robbed of a large sum of cash while en route to deposit it at a bank. The FIR was lodged against four unknown individuals inter-alia on above facts.

3. Learned counsel argued that applicant was arrested later and is not nominated in the FIR. No identification parade was held. It is alleged that the arrest of the applicant was shown after a delay and that prior to his formal arrest, applications were submitted by his family treating him as a missing person. The co-accused, his father Mumtaz Ali, was granted bail in a separate FIR. The defense has pointed to multiple previous FIRs allegedly lodged by the police to falsely implicate the applicant and his family. Bail in other matters involving similar allegations has been granted by the same trial Court.

4. On the other hand, learned APG has opposed the bail on the ground that the allegation involves a serious offence falling within the prohibitory clause of Section 497(1) Cr.P.C. the complainant has identified the accused during investigation, and sufficient material exists to connect him with the commission of alleged offence.

5. There is no denial that the applicant is not named in the FIR, which implicates four unknown persons. The delay of one day in lodging the FIR has not been explained in detail. The record does not reflect that any identification parade was conducted before a Magistrate to connect the

applicant with the commission of the offence. It is also not denied that no recovery of looted property or weapons was made from the applicant. The only material connecting the applicant with the offence appears to be statements made during investigation, which, without judicial identification or corroboration, may not be sufficient at this stage to conclusively deny bail.

6. It is also pertinent that the applicant was earlier treated as a missing person and allegedly taken into custody along with his father prior to being shown arrested in this case. The co-accused has been admitted to bail in another case. The applicant has also been granted bail in two other criminal cases where similar allegations were levelled. While the applicant has a history of involvement in other cases, each case must be evaluated on its own merits for purposes of bail.

7. In view of the above, particularly the absence of identification parade, non-nomination in FIR, lack of recovery, and the apparent malafide suggested through the applicant's prior missing status and multiplicity of FIRs against his family, the case against the applicant requires further inquiry as contemplated under Section 497(2), Cr.P.C. Hence, a case for grant of bail is made out.

8. In view of the above, the bail application is allowed through short order dated 02.05.2025 by admitting the applicants to post-arrest bail, subject to their furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) and a personal bond in the like amount to the satisfaction of the learned trial Court and these are the detail reasons of the above short order.

JUDGE