

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Crl. Bail. Application No. 1142 of 2025

Date Order with signature of Judge

For hearing of bail application.

22<sup>nd</sup> May 2025.

Mr. Mehar Ali Chandio advocate for applicant.  
Ms. Rahat Ehsan, Addl. P.G. Sindh.

Through instant bail application, applicant Mazhar Ali Bhan son of Ghulam Nabi Bhan seeks post arrest bail in a case bearing crime No. 138 of 2025 offence under Sections 397/109/34 PPC, registered at PS Mubina Town Karachi. His bail plea was declined by the court of learned Additional Sessions Judge-IV, Karachi East.

2. According to the prosecution, on 24.03.2024 at about 06:30 p.m., the complainant, Mst. Farheen Sarfaraz, while returning from KDA Market with her cousin, Shah Jahan S/o Muhammad Iqbal Khan, boarded a yellow Sazgar rickshaw bearing registration No. D-18-00804. An unknown but identifiable woman also requested a lift and joined them. During the journey, the rickshaw took a turn towards Western Dental Clinic street, where the said woman disembarked. Upon inquiry, the driver explained that it was a shortcut. Around 18:30 hours, near Regency Apartment Bungalows, Gulshan-e-Iqbal, Block-4A, four identifiable men on two motorcycles intercepted them, brandished pistols, and snatched four rings, one bracelet, and one chain with a locket from the complainant. Nothing was taken from the rickshaw driver, who was later identified as Mazhar Ali Bhan. The complainant suspects that the incident was carried out in collusion with the rickshaw driver. Consequent upon; case was registered inter-alia on above facts.

3. At the very outset, learned counsel for the applicant contends that applicant is innocent and has been falsely implicated in this case by the complainant with malafide intention. He further contends that section 397 PPC is not attracted upon the applicant. He also contends that nothing has been recovered from the applicant. Learned counsel for the applicant also placed on

record affidavit of complainant, exonerating the applicant from the commission of alleged offence.

4. Learned APG, Sindh recorded his no objection in view of affidavit filed by the complainant.

5. The complainant has sworn affidavit, exonerating the applicant from the commission of alleged offence. She is also present in person, on inquiry, supports the averments of the affidavit, therefore, prosecution case is of two versions, one set forth in the FIR and other in shape of affidavit of complainant, exonerating the applicant, therefore, it will be determined at the time of trial, which version is correct. It is settled principle of law that version supporting to the accused prevails. Moreover, punishment provided for the alleged offence is not less than seven years, as such, the case of the applicant does not fall within the ambit of prohibitory clause of section 497(i) Cr.PC. Case has already been challaned and applicant is no more required for investigation.

6. Given the above, prima facie applicant has succeeded to make out case for further inquiry, as envisaged under section 497(2) Cr.PC. Accordingly, he is admitted to post arrest bail, subject to furnish solvent surety in sum of Rs.50,000/- [Rupees Fifty Thousand Only] and PR bond in the like amount to the satisfaction of the Nazir of this court.

J U D G E

M.Zeeshan