

# IN THE HIGH COURT OF SINDH AT KARACHI

## Criminal Bail Application No.844 of 2025

Applicant : Abdul Majeed  
through Mr. Muhammad Ilyas Qureshi,  
Advocate

Respondent : The State  
Ms. Hina, Asst. P. G. Sindh.

Date of hearing : 07.04.2025

Date of order : 07.04.2025

### **ORDER**

**KHALID HUSSAIN SHAHANI, J** -- The applicant Abdul Majeed seeks post-arrest bail in a case bearing crime No. 337 of 2023 offence u/s 395 R/w Section 411 PPC of Police Station Shah Faisal Colony.

2. Brief facts of the prosecution case, as narrated in the FIR, are that the complainant, who is stated to be employed abroad, returned to Pakistan during his vacation. On 23.07.2023 at about 1300 hours, while he was present at his residence along with his family, three unidentified male persons and two female ladies allegedly knocked on the door, and upon it being opened by his wife, they forcibly entered the premises. Under alleged duress of firearms, they coerced the family, threatened to open fire, and snatched a black purse containing Rs. 10,000 in cash and a color copy of the complainant's CNIC. The FIR further records that the intruders spoke in the Saraiki language and were unknown to the complainant.

3. After completion of routine investigation, the police submitted the challan before the Court of competent jurisdiction.

4. The applicant earlier approached the learned trial Court seeking post-arrest bail, which was declined vide order dated 19.03.2025, giving rise to the present bail application before this Court.

5. Learned counsel for the applicant contended that the applicant has been falsely implicated due to underlying matrimonial discord between the parties, asserting that the complainant has lodged a fabricated case driven by mala fide intentions. He submitted that there is no direct evidence connecting the applicant with the alleged offence, and no recovery has

been effected from him. It is further contended that the wife of complainant (PW Mst. Fatima) has improved her version in her statement under section 161 Cr.P.C, as such Mst. Fatima in her statement stated that accused Abida is her relative and such story is not narrated in the FIR. Learned advocate further pointed out in cross examination she stated that the accused persons left their motorcylce, however the said motorcycle is not secured as per the contents of FIR. Learned advocate for the accused stated that there is different theories of prosecution case which make it dual version the first which is put forth in the FIR and the other which is given by PW Fatima in her statement. He further argued that the allegations stem from a family dispute and that the case against the applicant, at best, requires further inquiry. He further submitted that the offences alleged do not fall within the prohibitory clause of Section 497(1) Cr.P.C. He, therefore, prayed for grant of bail.

6. Conversely, the learned APG for the State opposed the application, arguing that the applicant has not demonstrated any prior enmity either with the complainant or the police that would explain his false implication. She asserted that there is sufficient material on record to connect the applicant with the commission of the alleged offence and, as such, no case for bail is made out.

7. I have heard the learned counsel for the parties and have carefully perused the material available on record. The record reflects significant procedural irregularities and evidentiary infirmities in the prosecution case. Notably, the FIR was lodged against unknown assailants, yet during the investigation, the applicant was implicated without any cogent or direct evidence. The recovery, as per statement under Section 161 Cr.P.C. of Mst. Fatima, pertains to a co-accused and not the present applicant. Furthermore, there appears to be a background of matrimonial discord, casting doubt on the objectivity and motivation behind the lodging of the FIR. The police, despite having alleged recovery, failed to recover any weapon or articles directly from the present applicant. The investigative lapses, particularly the failure to identify the accused through any identification parade, further weaken the prosecution's case. Such deficiencies in the investigation reflect a lack of due diligence on part of the investigating officer and create reasonable doubt at this stage.

8. In light of the above, the case against the applicant appears to be one of further inquiry within the meaning of Section 497(2) Cr.P.C.

Accordingly, the applicant is admitted to bail subject to furnishing a solvent surety in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court. The observations made herein are tentative in nature and shall not prejudice the merits of the case during trial.

**J U D G E**

Shahbaz