

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1724 of 2025

Ayaz Khan son of Shams-ur-Rehman.....Applicant/Accused

Versus

The State.....Respondent

Date of Hearing : 31.10.2025

Date of Order : 31.10.2025

For the Applicant : Ms. Azmat Gul, Advocate.

For the complainant : None present for complainant.

For the State : Mr. Muhammad Noonari, D.P.G.

ORDER

TASNEEM SULTANA, J: Through this Criminal Bail Application, the applicant seeks post-arrest bail in Crime No.470 of 2024 registered at Police Station Manghopir, Karachi, under sections 392, 397 and 34 of the Pakistan Penal Code.

2. Brief facts of the prosecution case, as disclosed in the FIR, are that on 04.06.2024 at about 1530 hours, the complainant Alex John, while standing near Attock Petrol Pump, Manghopir Road, along with his paternal uncle, was allegedly deprived of his motorcycle No.KMX-4694, an Infinix mobile phone and cash by four unknown persons armed with weapons, who also robbed passengers of a rickshaw and thereafter fled away. The FIR was lodged on the following day against unknown culprits. During investigation, the applicant along with co-accused Abbas and Waqas were arrested by police of P.S Gulshan-e-Maymar, and from their joint possession one motorcycle and some mobile phones were allegedly recovered, whereafter they were linked with this case.

3. Learned counsel for the applicant contended that the applicant is innocent and has been involved without any direct or independent evidence; that his name does not appear in the FIR; that the alleged identification parade was never held; that the alleged recovery is joint and effected from all three accused simultaneously, hence cannot be attributed exclusively to the applicant; that no private mashir was associated and all witnesses are police officials in violation of section

103 Cr.P.C.; that the complainant did not describe any features of the culprits; and that in these circumstances, the case requires further inquiry. He added that the co-accused have already been admitted to bail, thus the applicant is entitled to the same relief on the rule of consistency.

4. Conversely, learned Law Officer opposed the bail and submitted that the applicant along with co-accused were apprehended red-handed with the snatched motorcycle and mobile phones, which sufficiently connects him with the offence falling within the prohibitory clause of section 497 Cr.P.C., therefore, he is not entitled to the concession of bail.

5. Heard. Record perused.

6. A tentative assessment of the material on record shows that the FIR was lodged against unknown culprits without any description or identification; the present applicant was subsequently arrested along with two others in another case, wherefrom recovery of a motorcycle and certain mobile phones was effected; however, such recovery being joint in nature cannot at this stage be conclusively attributed to any individual accused. No identification parade has been conducted, and the complainant has not assigned any specific role or recognition to the applicant. All the mashirs of arrest and recovery are police officials, thus matter calls for further inquiry. When the case calls for further inquiry into guilt of accused within the meaning of Section 497(2) Cr.P.C., the accused is entitled to bail as of right. Reliance is placed on the case of *Salman Mushtaq & others v. The State through P.G Punjab and another* (2024 SCMR 14) wherein Hon'ble Supreme Court has observed as under:-

6.While considering the grounds agitated for enlargement on bail, whether pre-arrest or post-arrest, the atrociousness, viciousness and/or gravity of the offence are not, by themselves, sufficient for the rejection of bail where the nature of the evidence produced in support of the indictment creates some doubt as to the veracity of the prosecution case. Therefore, where, on a tentative assessment, there is no reasonable ground to believe that the accused has committed the offence, and the prosecution case appears to require further inquiry, then in such circumstances the benefit of bail may not be withheld as a punishment to the accused.....

7. The trial court has already granted bail to co-accused. The investigation is complete, challan has been submitted, and no exceptional circumstances have been shown to justify continued detention.

8. Accordingly, the applicant Ayaz Khan son of Shams-ur-Rehman is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees one hundred thousand only) and P.R. bond in the like amount to the satisfaction of the trial court. However, the observations made herein are tentative in nature and shall not influence the trial court at the stage of trial.

JUDGE

Ayaz Gul